



SADC PARLIAMENTARY FORUM



PARLIAMENTARY ELECTIONS 2005

TANZANIA



Election Observation Mission Report

TANZANIA PRESIDENTIAL, PARLIAMENTARY



SADC Parliamentary Forum Election Tanzania Observer Mission Report

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LIST OF ACRONYMS



ASP	Afro-Shirazi Party
AU	African Union
CCM	Chama cha Mapinduzi
CHADEMA	Chama cha Demokrasia na Maendeleo
CHAUSTA	Chama cha Haki na Ustawi
CUF	Civic United Front
DP	Democratic Party
EISA	Electoral Institute of South Africa
MAKINI	Demokrasia Makini
NCCR-MAGEUZI	National Convention for Construction and Reform
NDI	National Democratic Institute
NEC	(Tanzania) National Electoral Commission
NLD	National League for Democracy
NRA	National Reconstruction Alliance
PPT-MAENDELEO	Progressive Party of Tanzania Maendeleo
PVR	Permanent Voters' Roll
SADC- ECF	SADC Electoral Commissioners Forum
SADC	Southern Africa Development Community
SADC-PF	Southern Africa Development Community Parliamentary Forum
SAU	Sauti ya Umma
TADEA	Tanzania Democratic Alliance Party
TANU	Tanganyika African National Union
TEMCO	Tanzania Electoral Monitoring Committee
TGNP	Tanzania Gender Network Programme
TLP	Tanzania Labour Party
UDP	United Democratic Party
UMD	Union for Multi-Party Democracy
UNDP	United Nations Development Programme
UPDP	United People's Democratic Party
ZEC	Zanzibar Electoral Commission
ZNP	Zanzibar National Party (ZNP)

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At the risk of omitting some of the key stakeholders, the Mission extends its appreciation to all the political parties, civil society organisations, faith based organisations, local and international election observers, regional and international organisations and ordinary citizens of Tanzania for their individual and collective cooperation with the Mission across the country.

Lastly, the Mission extends its special thanks and appreciation to the United States Agency for International Development Regional Centre for Southern Africa for the generous financial support which made this Mission possible.

This report was compiled by Boniface Dulani and was edited by Takawira Musavengana.

CHAPTER 1:



INTRODUCTION

1.1 INTRODUCTION

The United Republic of Tanzania held its third multi-party elections to elect a new President, Members of Parliament and ward councillors on 14th December, 2005. These elections were initially scheduled to take place on 30th October, 2005 but had to be postponed due to the death of the presidential running mate for the CHADEMA party, Mr. Jumbe Rajab Jumbe on 26th October. In accordance with Tanzania's electoral laws, the elections were postponed to allow CHADEMA to choose a new running mate¹.

Up to 15.9 million voters out of the country's population of 36 million were registered to vote in these elections. A total of 1,225 candidates from 18 political parties contested for the 232 constituencies. A further 7,593 candidates competed for the 2,552 wards in the local government elections. Ten parties put up candidates in the Presidential elections, of whom one was female. There were also a further two females contesting as presidential running mates.

The SADC Parliamentary Forum was invited by the Ministry of Foreign Affairs and International Cooperation and the National Electoral Commission of Tanzania to observe the elections. The Mission was composed of a total of 23 Members of Parliament drawn from ten SADC countries² and the hosts, Tanzania. This report provides the findings of the SADC PF Mission team to the 2005 Tanzanian elections.

1.2 THE SADC PARLIAMENTARY FORUM

The SADC Parliamentary Forum is a regional body that was established in 1996 under Article 9(2) of the SADC Treaty. It comprises of more than 2,000 Members of Parliament from 13 SADC member countries, namely, Angola, Botswana, the Democratic Republic of Congo (DRC), Lesotho, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe. The vision of the SADC PF is to achieve a comprehensive, effective and sustainable regional integration and prosperity, based on democratic governance, freedom, gender equity and equality in the SADC region. Additionally, the Forum is determined to bring about a united SADC family conscious of its common identity and sense of dignity.

Among the Forum's objectives are to promote good governance, transparency and accountability, peace, security and political stability in the region. In line with these objectives, the Forum takes a keen interest in election observation, since elections form an important avenue for people's participation in their governance. Since its formation, the Forum has taken part in observing national elections within the SADC region, most recently in Mozambique (1999), Namibia (1999) Mauritius (2000), Zimbabwe-Parliamentary (2000) Tanzania (2000), Zambia (2001), Zimbabwe-Presidential (2002), Lesotho (2002), South Africa, Malawi and Botswana (2004) and the elections for President, House of representatives and Local Councillors in Zanzibar (30th October 2005). The Mission for the 14th December Union elections in Tanzania was therefore the second time that the Forum observed Presidential and Parliamentary Elections in Tanzania, having observed and published a report on the 2000 elections.

¹ Please see Press Release from the Tanzania Electoral Commission in Appendix 7.

² Angola, Botswana, DRC, Lesotho, Mozambique, Malawi, South Africa, Swaziland, Namibia and Zambia

Drawing on the experience gained through election observation, the Forum has collectively evolved and, in March 2001, adopted Norms and Standards for Elections in the SADC Region. These Norms and Standards provide a tool for the Forum to assess the conduct and management of elections. The main purpose of these Norms and Standards is to facilitate the institutionalisation and strengthening of electoral institutions, including democratic processes. The Norms and Standards focus on three key areas, namely: elections and individual rights, elections and government, fostering transparency and integrity in the electoral process. The Norms and Standards also include a gender checklist which seeks to identify mechanisms for attaining gender equity in elections. This is in line with the SADC resolution of achieving equal representation of women and men in the decision-making of member states and SADC structures at all levels, and the achievement of at least 30% target of women in political and decision-making structures by the year 2005³.

1.3 THE SADC PARLIAMENTARY FORUM OBSERVER MISSION TO THE 2005 TANZANIA ELECTIONS

At the invitation of the Ministry of Foreign Affairs and International Cooperation of the United Republic of Tanzania, the SADC Parliamentary Forum (the Forum) took part in observing the organisation and conduct of the Presidential, Parliamentary and Local Authorities Elections that were held on 14th December 2005 both on mainland Tanzania and Zanzibar.

The SADC PF Mission was initially in Tanzania from Sunday, 23rd October 2005 and was scheduled to depart on 4th November, 2005, four days after the initial date of the elections, 30th October. However, following the decision by the National Elections Commission (NEC) of Tanzania to postpone the elections from the initial date of 30th October, after the death of the CHADEMA party's Presidential running mate, the SADC-PF Mission was reconstituted. The Teams assigned to observe the elections on the Tanzania mainland were recalled and asked to return to their countries until mid-December 2005. Meanwhile the initial Mission Leader, Hon. Fatima Hajaig from the South African Parliament and her team, including the Secretariat, relocated to Zanzibar to observe the elections to choose the island's President, Members of the House of Representatives and local ward councillors that took place as scheduled on 30th October⁴.

The SADC PF Mission for the 2005 Tanzania Union elections was reconvened and arrived in Tanzania from 7th December 2005. The new Mission was led by Hon. Mpeo Mahase from the National Assembly of Lesotho. Hon. Feliciano Mata from the National Assembly of Mozambique continued his role as Deputy Mission Leader. The new Mission comprised of a total of 40 members. Of these, twenty-three (23) were Members of Parliament from Angola, Botswana, the Democratic Republic of Congo (DRC), Lesotho, Malawi, Mozambique, Namibia, South Africa, Swaziland, and Zambia. The remaining members included 10 Parliamentary staff from the SADC Parliaments, including the hosts, Tanzania and staff from the Forum Secretariat based in Windhoek, Namibia. To ensure continuity from where the Mission left off before the October postponement, 19 of the 23 MPs that were part of the reconvened Mission were also part of the original Mission in October.

Upon arrival, the Mission issued an Arrival Statement on 7th December⁵. This was followed by a Press Conference held by the Mission Leader on 10th December 2005 at the Holiday Inn Hotel in Dar es Salaam. The Press Conference highlighted the composition of the Mission, Mission Terms of Reference and method of work and the deployment plan.

Deployment of teams took place on 10th December and members returned to Dar es Salaam on 16th December, two days after polling day. The Mission observed the conduct of the electoral process in 10 regions of the United Republic of Tanzania, both on the mainland and in the Islands of Zanzibar and Pemba⁶.

³ SADC Gender and Development Declaration, 1997.

⁴ Please, see The Press release issued by the SADC PF Secretariat on 28th October, 2005 in Appendix 3.

⁵ See Appendix 1

⁶ Please see the Deployment Plan in Appendix 4.

1.4 MISSION TERMS OF REFERENCE

The SADC Parliamentary Forum Observer Mission to Tanzania was guided primarily by terms of reference which were approved by the Executive Committee on the recommendation of the Steering Committee, viz:

- Analyze the constitutional and legal framework within which elections are conducted;
- Assess the historical, socio-economic and political environment within which elections are taking place;
- Assess the extent to which the elections are conducted in line with the constitutional and legal framework provisions of each of the countries and in relation to the Norms and Standards for Elections in the SADC Region, SADC Principles and Guidelines Governing Democratic Elections (2004) and OAU/AU Declaration on the Principles Governing Democratic Elections in Africa – AHG/DECL.1 (XXXVIII);
- Assess the gender trends and voter turnout in relation to previous elections;
- Assess the organizational arrangements of the electoral process by examining the following:
 - a. Independence, impartiality and accountability of electoral institutions, including stakeholders' confidence in the election authorities;
 - b. Secrecy of the ballot and the transparency and legitimacy of the electoral process;
 - c. Voter registration and the state of the voters roll paying special attention to the inclusiveness and availability of voters roll to stakeholders;
 - d. The campaign process and the conduct of political parties with reference to codes of conduct;
 - e. Publication of the election calendar, preparation and distribution of voting materials;
 - f. Civic and voter education including the quality of the education, gender sensitivity of civic and voter education materials and programmes, the role of the electoral commission, civil society organizations and political parties;
 - g. Gender mainstreaming in political activities, party manifestos, electoral systems, practices and processes, including the management and administration of elections;
 - h. Role of the media with respect to fair and balanced media reporting and coverage on election activities;
 - i. Polling stations with reference to adequacy, location and voters' access to information on polling stations;
 - j. Polling arrangements with reference to opening of polling stations, availability of voting materials, secrecy of the ballot, and related administrative arrangements;
 - k. Counting, reconciliation, verification, tabulation and announcement of results as well as the legitimacy of results by stakeholders;
 - l. Role of security forces, and;
 - m. Conflict resolution mechanisms in place with reference to the working relationship between the Electoral Management Bodies (EMB), the Government and political parties;

In addition to the above TORs, the Mission was also guided by the following principles and documents:

- a) The Constitution of the Union Republic of Tanzania
- b) The relevant Acts of Parliament and other rules and regulations governing the electoral process
- c) SADC Parliamentary Forum Norms and Standards for Elections (2001)
- d) SADC Declaration on Gender and Development (1997)

- e) SADC Principles and Guidelines Governing Democratic Elections (2004)
- f) OAU/AU Declaration on the Principles Governing Democratic Elections in Africa – AHG/DECL.1 (XXXVIII)
- g) Relevant provisions of the SADC Treaty (1992)
- h) Relevant United Nations instruments to which SADC Member States have acceded including the Universal Declaration for Human Rights (1948)

1.5 MISSION ORIENTATION PROGRAMME

During its first stay in Tanzania prior to the postponement of the elections from the original date of 30th October, a two-day orientation programme had been held from 24th to 25th October at Sea Cliff Hotel in Dar es Salaam. A programme of activities for this initial orientation session is attached as Appendix 2. After the Mission was reconstituted in December 2005, a second briefing session was held on Friday 9th December at Dar es Salaam Conference Centre. This briefing provided an opportunity to recap on the method of work, Mission Terms of Reference, presentation and discussion on the deployment plan.

The purpose of both orientation sessions was to prepare all the original Mission team members to undertake the responsibilities outlined in the Terms of Reference for the 2005 elections, both on the mainland Tanzania and in Zanzibar. The specific objectives of the Orientation Programme were:

1. To orient the Members of Parliament and the Parliamentary staff to have a good understanding of the terms of reference for the mission;
2. To familiarise the Members of Parliament and Parliamentary staff with the regional Election instruments;
3. To familiarise the Mission with practical, logistical and administrative details in observing the 2005 elections in Tanzania;
4. To provide the members with an adequate understanding of the socio-political and economic context of elections in Tanzania through interaction with key stakeholders, including political parties, the electoral commissions, and civil society;
5. To acquaint Members of Parliament and Parliamentary staff with other election observer missions in the 2005 Tanzanian elections;
6. To brief the mission team on security issues during the election period;
7. To remind the Members of Parliament of the importance of their reports and in the production of a report after observing the elections in Tanzania in 2005;

The first orientation programme was opened by the initial Mission Delegation Leader, Honourable Fatima Hajaig while Hon. Mpeo Mahase presided over the second orientation session. In both sessions, the two Mission Leaders thanked the hosts, the government of Tanzania, the National Electoral Commission (NEC) and the Zanzibar Electoral Commission (ZEC) for inviting the Forum to observe the elections.

The substantive part of the orientation programme focused on practical details of elections in Tanzania generally and in Zanzibar. To achieve this, several resource persons were invited to make presentations on various aspects and issues relating to both the Union and Zanzibar elections. These included the role of the SADC Parliamentary Forum and other international and local observer Missions, the method of work, Mission Terms of Reference and introduction to the observation instruments. A number of leading political parties in Tanzania were also invited to make presentation and provide a political context of the 2005 elections. Other presentations provided a political overview of Tanzania, focusing on the history of elections in Tanzania generally; Tanzania's electoral laws and the preparedness of the National Electoral Commission (NEC) for the 2005 elections; the role of

NGOs and local election monitors in the 2005 elections. The teams were also briefed on the role of parliamentary staff and the responsibilities of Team Leaders.

1.6 MISSION DEPLOYMENT AND METHOD OF OBSERVATION

The criteria used in the deployment plan took into consideration the following factors:

- Participation in the Forum's election observation orientation and experience in observing elections;
- Gender representation in the composition of teams;
- Political parties' representation (ruling and opposition); and
- Language consideration (English, Portuguese and French).

The selection of the regions was done taking into account the following criteria: the need for broad geographical coverage, representative samples of the regions in order to garner conclusive findings, resource availability and logistical purposes and the size and gender composition of the Mission. One team, led by the Deputy Mission Leader observed the elections in Zanzibar and a second team was mandated to cover the elections in Pemba.

The Mission was deployed across the breadth and length of Tanzania⁷. There were a total of 11 teams. Each team was composed of two Members of Parliament. Nine of the 11 teams were composed of one lady and one male MP as a way of ensuring gender balance. Only two teams had two male MPs, while the Mission Leaders' Team had two male MPs in addition to the Mission Leader herself. Each team was accompanied by Parliamentary staff. Interpreters (French-English and Portuguese-English) accompanied some of the teams where translations were required.

Once in the regions, the Observer Teams attended political campaign rallies, and consulted widely with various stakeholders in order to come up with a more holistic picture of the electoral process. The Teams also played a key role on Election Day, assessing the overall voting process, including the roles of party agents, the presence of security personnel and other election observer teams. The teams also visited a number of polling stations and took note of sentiments from political parties, from domestic and other international observers, and the sentiments of the presiding officers.

In line with the SADC declaration on Gender and Development of 1997, the Observer teams also observed and assessed the accessibility of the electoral process to women and disadvantaged groups, paying particular attention on the extent to which the electoral process and political system in Tanzania is sufficiently open to women and the extent to which the political process is accommodating to minority groups.

⁷ Please see Appendix 4 for the Mission Deployment Plan

CHAPTER 2:

BRIEF HISTORICAL BACKGROUND ON TANZANIA



2.1 GEOGRAPHICAL LOCATION AND ADMINISTRATION

The United Republic of Tanzania is composed of mainland Tanzania, formerly called Tanganyika and the islands of Zanzibar and Pemba and other off shore islands in the Indian Ocean. The total land area of Tanzania is 945,087 sq km (364,900 sq mi). Tanzania shares boundaries in the north by Kenya and Uganda, on the east by the Indian Ocean, on the south by Mozambique, Malawi, and Zambia, and on the west by the Democratic Republic of the Congo (DRC, formerly Zaire), Burundi, and Rwanda. Dar es Salaam, which lies on the central eastern part of the country, is the largest city. The inland city of Dodoma is the capital of Tanzania.

The political leadership is a mixture of presidentialism and parliamentarism. The President, who acts as both Head of State and government, is popularly elected for a five-year term. A President can only serve for a maximum two five-year terms. Presidential candidates have to declare their running mates in elections. After elections, the President appoints a Prime Minister and members of cabinet. The Prime Minister, who has to be a Member of Parliament, becomes the leader of Government business.

The legislature of Tanzania is a unicameral National Assembly. It has 341 members, 232 of whom are popularly elected to five-year terms. Most of the remaining seats are reserved for women (78). The rest of the seats are taken by 10 MPs appointed by the President and a further 21 additional members who sit by virtue of being commissioners of the country's regions.

The highest tribunals in Tanzania are the Court of Appeal and the High Court. Lesser courts include district and primary courts. People's courts function in Zanzibar.

2.2 POPULATION

The population of Tanzania consists mostly of members of more than 120 African groups. The largest ethnic groups are the Sukuma and the Nyamwezi, each representing about a fifth of the country's population. Other groups of significant size include the Haya, Ngonde, Chagga, Gogo, Ha, Hehe, Nyakyusa, Nyika, Ngoni, Yao, and Masai. The population also includes people of Indian, Pakistani, and Goan origin, and small Arab and European communities. The total population as of 2003 was estimated at 35,922,454, 67 percent of whom live in rural areas.

Islam is the religion of about one-third of the people on the mainland and is dominant on Zanzibar, where 96 percent of the island's population are Muslim. Another one third of the mainland population are Christian, with Roman Catholicism being the largest Christian denomination, with some 6 million adherents. Less than one-fifth of the population follows traditional religions.

Swahili and English are the official languages of Tanzania.

2.3 POLITICAL OVERVIEW

The United Republic of Tanzania was formed on April 26, 1964, by the adoption of an Act of Union between Tanganyika, on the mainland, and the Island of Zanzibar. Following a constitutional amendment in 1965, the Tanganyika African Union (TANU) was the sole political party that was legally allowed to operate on the mainland, while the Afro-Shirazi Party (ASP) was the only party allowed to operate in Zanzibar. On the 5th February, 1977 TANU and ASP merged to form a new party, Chama cha Mapinduzi (CCM)⁸. The merger of TANU and ASP to form CCM was accompanied by an amendment to Tanzania's Constitution which made the whole of Tanzania a single-party state.

Constitutionally, however, there have always been two governments: the Union Government and the Revolutionary Government of Zanzibar. Jurisdiction over all Union Matters throughout the Republic is the responsibility of the Union Government. The internal affairs (non-union matters) of Zanzibar are under the jurisdiction of the Revolutionary Government of Zanzibar. On the mainland, the Union government also exercises jurisdiction over all non-union matters.

In the early 1990s, Tanzania, like many other countries, went through a process of political change. The government introduced a number of amendments in 1992 to the Union Constitution, collectively referred to as the 'Eight Amendments'. The effect of these amendments was to re-introduce multi-party politics throughout the Union, including Zanzibar. Specifically, Article 3(1) of the amended Constitution provides that:

“The United Republic of Tanzania is a democraticstate, which adheres to multi-party democracy.”

The re-introduction of multi-party politics resulted in the emergence of a number of new political parties. By September 2005, a total of 18 political parties were registered to take part in Tanzanian politics. Table 2.1 below provides a list of the registered political parties in Tanzania and, where available, the dates of their registration.

Table 2.1: List of Registered Political Parties in Tanzania as at 30th September, 2005 (arranged alphabetically).

	Name of Party	Date Registered
1	Chama cha Demokrasia na Maendeleo (CHADEMA)	21 st January 1993
2	Chama cha Haki na Ustawi (CHAUSTA)	15 th November 2001
3	Chama Cha Mapinduzi (CCM)	1 st July 1992
4	Democratic Party (DP)	7 th June 2002
5	Demokrasia Makini (MAKINI)	15 th November 2001
6	National Convention for Construction and Reform (NCCR- Mageuzi)	21 st January 1993
7	National League for Democracy (NLD)	21 st January 1993
8	National Reconstruction Alliance (NRA)	8 th February 1993
9	Tanzania Democratic Alliance (TADEA)	5 th April 1993
10	Tanzania Labour Party (TLP)	24 th November 1993

Table Continues on page 15

⁸ Party of the Revolution

Table Continues from page 14

11	The Civic United Front (CUF)	21st January 1993
12	The Forum for Restoration of Democracy (FORD)	18 th January 2002
13	Union for Multiparty Democracy (UMD)	21 st January 1993
14	United Democratic Party (UDP)	24 th March 1994
15	United People's Democratic Party (UPDP)	21 st January 1993
16	PPT Maendeleo	N/A
17	SAU	N/A
18	Jihazi Asilia	N/A

Source: National Electoral Commission

Apart from re-introducing multi-party politics and allowing the emergence of new political parties across Tanzania, the constitutional amendments of 1992 also allowed the creation of an independent National Electoral Commission (NEC), independent media and private civil society organisations.

2.4 MULTI PARTY DEMOCRATIC ELECTIONS

2.4.1 The 1995 Elections

The first elections following the re-introduction of multi-party politics in Tanzania took place in 1995. The overall single-member constituency electoral system remained unchanged but the nominated MPs and the national members of Parliament categories of seats were abolished. The provision for reserved seats for women was amended to replace the 15 reserved seats with the reservation of 15% of overall seats for women to be distributed on the basis of party support in the parliamentary elections.

A high voter turn out of 76.7% saw the CCM's Presidential Candidate, Benjamin Mkapa winning in a four-candidate presidential race with 61.82% of the total valid votes. Table 2.2 below provides a summary of the 1995 presidential election results:

Table 2.2: Results of the 1995 Tanzania Presidential elections

Candidate	Number of Votes	% of Votes
Benjamin Mkapa (CCM)	4,026,422	61.82%
Augustine Mrema (NCCR-Mageuzi)	1,808,616	27.77%
Ibrahim Lipumba (CUF)	418,973	6.43%
John Cheyo (UDP)	258,734	3.97%

Source: <http://africanelections.tripod.com/tz.html>

Thirteen political parties put up candidates in the 1995 parliamentary elections. CCM won up to 186 of the 232 contested for seats after amassing 59.2% of the total number of valid votes that were cast. Table 2.3 on page 16 provides a summary of the Parliamentary election results of the 1995 elections.

Table 2.3: Results of the 1995 Parliamentary elections in Tanzania

Party	% of Votes	Number of Seats 232 *
Chama Cha Mapinduzi (CCM)	59.22%	186 (214)
National Convention for Construction and Reform-Mageuzi (NCCR-Mageuzi)	21.83%	16 (19)
Chama cha Demokrasia na Maendeleo CHADEMA)	6.16%	03 (04)
Civic United Front (CUF)	5.02%	24 (28)
United Democratic Party (UDP)	3.32%	03 (04)
Tanzania Democratic Alliance (TADEA)	1.19%	-
National Reconstruction Alliance (NRA)	0.94%	-
Union for Multiparty Democracy (UMD)	0.64%	-
Tanzania Labour Party (TLP)	0.43%	-
National League for Democracy (NLD)	0.41%	-
United People's Democratic Party (UPDP)	0.31%	-
Popular National Party (PONA)	0.28%	-
Progressive Party of Tanzania-Maendeleo (PPT-Maendeleo)	0.24%	-

Source: <http://africanelections.tripod.com/tz.html>

In addition to the seats won, a further 37 seats were allocated to the parties in relation to their performance in the polls as women's special seats. Of these, CCM got 28, NCCR-MAGEUZI 3, CHADEMA 1, CUF 4 and UDP 1.

2.4.2 The 2000 General Elections

The second general elections in the new multi-party era took place on 29th October 2000. Several changes had been introduced since the 1995 elections. These included a constitutional amendment in January 2000 to the presidential election process that removed the requirement for the winning candidate to secure at least a simple majority to a plurality of votes. Several changes were also made in the composition of the National Assembly, whose size was increased to a total of 295 members according to the following distribution of seats:

- 232 constituency seats (181 from the mainland, 50 from Zanzibar);
- 43 special seats reserved for women (20%);
- 5 members elected by the Zanzibar House of Representative;
- Ten MPs nominated by the Union president; and
- Attorney-General of the Republic who sits ex officio.

A total of 10,064,266 voters registered for the 2000 elections, of whom 9 624,507 were on the mainland. This figure accounted for nearly 98% of the official estimate of the eligible voting population. 84.4% of the registered voters (8,517,598) turned up to cast their vote, improving on the 1995 voter turn out of 76.7%.

President Benjamin Mkapa of the CCM was returned to office for a second five year term with an increased majority in the four person presidential race. Table 2.4 below provides a summary of the performance of the Presidential candidates in the 2000 elections.

Table 2.4: 2000 Tanzania Presidential election results

Candidate	Number of Votes	% of Votes
Benjamin Mkapa (CCM)	5,863,201	71.74%
Ibrahim Lipumba (CUF)	1,329,077	16.26%
Augustine Mrema (TLP)	637,115	7.80%
John Cheyo (UDP)	342,891	4.20%

Source: NEC

A total of 862 candidates, standing on the platforms of 13 political parties, were registered for these elections. Of the thirteen contesting parties, however, only five won constituency seats, with CCM winning a significant proportion (87.4%) of the contested seats. Table 2.2 below gives a breakdown of the performance in the 2000 elections by party:

Table 2.5: Party performance in the 2000 Tanzania parliamentary elections

	PARTY	No. OF SEATS
1	CCM	202
2	CUF	17
3	CHADEMA	4
4	TLP	4
5	UDP	3
6	NCCR-MAGEUZI	1
	TOTAL	231

Source: NEC

In addition to the contested seats, NEC declared 48 women elected through the special seats. Of these, CCM got 41, CUF 4, TLP, UDP and CHADEMA 1 each.

2.4.3 The 2005 Union Elections

The 2005 elections were initially scheduled to take place on Sunday, 30th October. However, during the briefing by the National Electoral Commission of Thursday, 27th October, International Observer Teams and other stakeholders were informed that the running mate to the CHADEMA Presidential candidate, Mr. Jumbe Rajab Jumbe, had died the previous night. In a statement released by NEC later on the same day, it was announced that following the death of MR. Jumbe, the Union elections (Presidential and Parliamentary), as well as the local authorities elections on the mainland, had all been postponed to December 18th, 2005⁹. This decision was done in conformity with Section 35A(1) (b) of the Elections Act (1985) which states that:

“...if at any time after four o'clock on nomination day and before the determination of an election, any Presidential or vice-Presidential candidate dies, the [National Electoral] Commission shall immediately, by notice in the Gazette, appoint a further nomination day being a day not less than twenty-one days to give time to the political party concerned to nominate a new, presidential or Vice Presidential candidate, as the case may be...”

⁹ This date was later changed to 14 December 2005.

Complimenting the above provision, section 35(A) (2) further states that:

“...where a further nomination day is appointed under this section, the Commission shall appoint another Presidential election day and the appropriate procedures shall be commenced afresh, except that no new nomination shall be required in the case of the other Presidential candidates, if there are any.”

Although the provisions cited above only apply to the election of President, the NEC decided to also postpone the parliamentary and local authority elections as a way of avoiding logistic complications. In their statement, the NEC further ordered an immediate suspension of presidential campaigns, although parliamentary and local authority elections campaign on the main land was allowed to go up to 24 hours before the new election date. The NEC Statement is attached as Appendix 7.

Meanwhile, elections for the President of Zanzibar and members of the House of Representatives, which are separately run and are managed by the Zanzibar Electoral Commission (ZEC) went ahead and took place on 30 October 2005 as originally planned.

The change to the election date meant that the NEC, which had already spent up to Sh. 40 billion in the compilation of the voters' register and a further Sh. 53 billion towards the elections preparations, had to print new ballot papers for the presidential candidates and had to incur further transport costs to get them to all polling stations around the country. This resulted in added elections expenses amounting to Sh. 6.2 billion according to figures from the NEC.

Following the elections postponement, the SADC PF delegation issued a statement on the developments (see Appendix 3). The statement indicated that the SADC PF Mission on the mainland was suspended with immediate effect but that its teams would remain to observe the elections in Zanzibar. Meanwhile, the Delegation Leader, her team and the Secretariat, which had been based in Dar es Salaam, immediately re-located to Zanzibar.

In light with the above, the deployment plan for the mission was adjusted accordingly. Members of parliament that had been redeployed on the mainland were immediately recalled and returned to Dar es Salaam on the evening of 28th October 2005. They were later in the evening briefed on the recent political developments and asked to return to their respective countries. Meanwhile, the Deployment Plan was adjusted to remain with the teams sent to observe in Zanzibar, the Delegation leader's team and the Secretariat. The Dar es Salaam based teams left for Zanzibar on 29th October 2005.

CHAPTER 3:



BRIEFINGS FROM ELECTIONS STAKEHOLDERS

3.1 INTRODUCTION

The SADC Parliamentary Forum Mission was briefed by various stakeholders on the electoral situation in Tanzania and Zanzibar as part of its orientation programme. This section presents summaries of the presentations.

3.2 BRIEFING BY TANZANIA ELECTORAL STAKEHOLDERS

3.2.1 The Political and Constitutional Setting of Elections in Tanzania – Professor Mallya, University of Dar es Salaam

Professor Mallya provided a brief historical context of multi-party politics in Tanzania. He pointed out that Tanzania introduced multi-party democratic politics in 1992 as a result of pressure from within and outside Tanzania. These changes were followed by the holding of multi-party elections in 1995 and again in 2000.

The Mission also learnt from Professor Mallya that Tanzania uses the First Past the Post electoral system to elect constituency Members of Parliament and local ward councillors. However, the constitution also makes provision for a number of Special Seats for women, which are allocated to political parties in proportion to their performance in the parliamentary elections.

Responsibility for managing the Union elections and local government elections on the mainland is the responsibility of the National Electoral Commission (NEC). The NEC also oversees Union elections in Zanzibar. The elections for the Zanzibar President, House of Representatives, and local council wards, are managed by the Zanzibar Electoral Commission (ZEC).

Professor Mallya further commented on the subsidies to political parties in Tanzania. In the 1995 elections, subsidies were granted to parties to run campaigns. These subsidies were however removed in 2000 and in 2005. Instead, parties that obtain at least 5% of the vote in elections are provided with monthly grants from government. Professor Mallya further observed that the Constitution prohibits the usage of public resources for campaigning or to gain political advantage. However, he pointed out that in reality, this is difficult to police.

3.2.2 Tanzania Gender Network Programme (TGNP) Professor Ruth Mann, University of Dar es Salaam

The primary objective of the Tanzania Gender Network (TGNP) is to promote women's participation in national and local politics. To achieve this and other objectives, TGNP has established networks in all districts of Tanzania. These are used to run various capacity building programmes that facilitate women's involvement in local politics and to promote gender equality generally. TGNP has been working as part of a larger network, called FEM-Act. Together, the two organisations produced a Voters Manifesto for the 2005 elections that highlighted gender related issues for voters. Prof. Mann pointed out that among the activities that TGNP undertakes, it seeks to contextualise the SADC Gender Protocols into the Tanzania political context. The network looks at voters and identifies their

interests within a gender terrain and advocates equal treatment of women and men in the voter registration processes. The network also advocates and campaigns for opportunities for women to attend campaigns, to voice out and be listened to, to be able to question aspirants for political office, to have access to political party manifestos and to be able to choose candidates without intimidation.

TGNP also advocates for opportunities for women to stand for political office and lobbies political parties to provide adequate support to women candidates to stand in elections.

Professor Mann observed that there was need for election observers to have a broader appreciation of the Tanzanian political context, including its gendered context and the gendered nature of the electoral administration. Among the challenges that women face in the electoral process, Prof. Mann singled out the patriarchal nature of Tanzanian society; the education imbalance which favours mostly men, resulting in limited opportunities for women to take part in politics.

3.2.3 Tanzania Electoral Monitoring Committee (TEMCO)

Prof. Rekaza Mukandala, University of Dar es Salaam, Chair, TEMCO

The Tanzania Electoral Monitoring Committee (TEMCO) was established in 1995 on the eve of the multi-party elections. The body, which brings together a network of up to 50 NGOs, is coordinated by the Department of Political Science at the University of Dar es Salaam. TEMCO has monitored the two elections of 1995 and 2000, both on the mainland and in Zanzibar. The body also played an active role in monitoring the bye-elections of 2003 in Pemba.

TEMCO started monitoring the 2005 elections as early as January 2005 with the registration exercise. In Zanzibar, TEMCO had been monitoring the elections throughout the entire campaign period. On Election Day, TEMCO deployed a total of 200 monitors in Unguja and Pemba as well as teams of observers spread across the mainland.

3.2.4 Briefing from Religious Leaders

Bishop Kilaimi and Fr. Makunde, Tanzania Episcopal Conference

The Mission was briefed by two religious leaders from the Catholic Church, namely, Bishop Kilaimi and Fr. Makunde. These two religious leaders informed the SADC PF Mission that religious bodies have been involved in the electoral process in the previous two elections (1995 and 2005) and were also involved in a number of ways in the 2005 electoral process.

The general assessment from the two clergymen was that there have been significant improvements over the conduct of elections since the first multi-party election of 1995. In particular, the introduction of a Permanent Voters register for the 2005 elections was cited as an important step that would address concerns raised in previous elections relating to the usage of a manual register. It was further pointed out that the registration exercise had gone smoothly, largely because people were attracted by the introduction of a voter's identity card, which many felt can also be used in place of absence of a national identity card.

The general observation was that registration on the mainland had gone without any major incidents or problems. In Zanzibar, on the other hand, there were concerns over the stricter registration requirements. In particular, the requirement that one has to be resident on Zanzibar for at least 36 months to be an eligible voter, has meant that citizens from the mainland who have been on Zanzibar for less than 36 months are not allowed to register.

Looking at the way the campaign had been conducted, the religious leaders expected a generally peaceful election. Although there had been a number of incidents and scuffles between supporters of the different political parties, these were isolated incidents.

The Mission learnt further that religious leaders had made numerous attempts to bridge the gap between Muslims and Christians. Christian leaders (both protestant and Catholic) had been meeting regularly with their Moslem colleagues and had issued a number of joint statements calling for peaceful elections.

3.2.5 Briefing by the National Electoral Commission

The new Mission attended a briefing by the National Electoral Commission (NEC) on Thursday, 8th December, 2005 at Golden Tulip Hotel in Dar es Salaam. This briefing session highlighted the following key areas pertaining to the 2005 General Elections:

- Background information relating to the electoral processes and procedures;
- Highlights for the preparations of the 2005 Election;
- Local observers perspective; and
- Aspects and tips relating to security matters;

Among the people making presentations at this briefing were:

- Hon Justice L.M. Makame, Chairman, NEC;
- Hon Prof. Amon Chaligha, Electoral Commissioner;
- Mr. Rajabu Kiravu, Director of Elections;
- Prof. Rwekaza Mukandala, Chairperson, TEMCO;
- Commissioner Tibasana, Police Headquarters.

In his presentation, NEC's Director of Elections, Mr. Kiravu, provided an overview of preparations by NEC towards the 2005 elections. These included the establishment of a Permanent National Voters' Register (PNVR). A total of 15.9 million Tanzanian citizens had been registered by NEC on the PNVR for the 2005 elections. This represented 96.2 percent of all eligible voters.

The Mission also learnt that no major review of constituency boundaries had been undertaken in between the 2000 and 2005 elections. Meanwhile, the Observers were informed that NEC had completed and published an Election Regulations manual, in addition to other Guidelines and manuals, including:

- Guidelines for Returning Officers;
- Guidelines for Political Parties; and
- Guidelines for Presiding Officers.

Mr. Kiravu further informed the Observers that the total number of Returning Officers in the 2005 elections was 124 for Mainland Tanzania and a further 10 for Zanzibar. These were assisted by 5,754 Assistant Returning Officers on the mainland and 60 in Zanzibar. All these, in addition to Regional Election Coordinators, were trained by NEC and were expected in turn to train the Presiding Officers and Polling Assistants.

Other highlights in Mr. Kiravu's presentation were:

- Election campaign (from 21st August to 29th October. However, following the postponement of the elections, Presidential campaigns resumed on 19th November and closed on 13th December;
- Development of Code of Ethics: Two voluntary Codes of Ethics were developed, one for Political parties, the second for the Media coverage of the elections;
- Voter education: the Law requires NEC to provide and coordinate persons who participate in offering voter education. NEC provided voter education through the media, including television, radio and newspapers;

- Financing of the Elections: The main source of financing for the elections is the Government of Tanzania, who contributed Tshs. 83.2 billion before the postponement while the Donor Basket Fund group made available a further \$11.7 million. This is in addition to a further \$10.5 million from donors towards support of other election-related activities that included capacity building for political parties, media and Non Governmental Organisations.

Commenting on the postponement of the 30th October elections and its consequences, Mr. Kiravu indicated that NEC was required by law (in accordance with Sections 35(d) and 49 of the Elections Act) to postpone the elections to allow CHADEMA whose presidential running mate, Mr. Jumbe Rajabu Jumbe, had died four days before the elections, to postpone the elections. The decision to postpone the holding of the parliamentary and local government elections was made as a way to serve on costs, as the Commission would have had to spend an extra Tshs. 13 billion if the elections were held separately.

Following the postponement of the elections, NEC prepared a new budget of Tshs. 6.2 billion. The government provided Tshs. 3.2 billion while Donors provided \$3.0 million.

The Mission also learnt that NEC had used the elections postponement period as an opportunity to address concerns that had been raised about the status of the PNVR. As a result, the PNVR was reviewed during the postponement. In consultations with political parties, NEC decided that persons whose photographs were not on the register should be added and be allowed to vote. As a result, new and updated Voters' Register and Voters' Lists were printed and made available to all Political Parties.

3.3 BRIEFINGS BY CONTESTING POLITICAL PARTIES

The SADC PF invited a total of six political parties to make presentations to the Mission. This was done with a view to acquainting the MPs and Parliamentary staff on the Mission with the political-party context for the 2005 elections in the United Republic of Tanzania. However, only four political parties turned up and made presentations. This section provides summaries of the presentations from the four political parties

3.3.1 Chama Cha Mapinduzi (CCM)

Ramadhan Omar Mapuri – Ideology and Publicity Secretary for CCM

Rhoda Kibacha, -Senior Assistant Secretary in the Department of Ideology and Publicity

Mr. Mshana, Assistant Secretary for Political Affairs and International Issues

CCM was formed in a merger of the Tanganyika Africa National Union (TANU) and the Afro-Shirazi Party (ASP) in 1977. Before this merger, TANU had been the sole ruling party on the mainland since independence in 1963 while ASP had been the sole ruling party on Zanzibar. From 1977, CCM has been in power.

CCM was of the view that the overall electoral environment for the 2005 elections was much better than what was obtained in the two previous elections of 1995 and 2000 because of the following reasons:

- a) Overall, the NEC and the ZEC command considerable respect of all the political parties and other players. Of particular significance for Zanzibar was the reconstitution of ZEC in line with the *Muafaka* Accord reached between CCM and CUF in 2001. The new ZEC was appointed in consultation with the opposition parties and currently has two members nominated by the opposition.

- b) There has been considerable interaction between parties. CCM was of the view that these interactions had minimised tension significantly.
- c) CCM was also of the view that there have been general improvements in elections preparations and management. The establishment of a Permanent Voters register for both the Union and Zanzibar elections was cited as a major step in addressing concerns raised by opposition parties after the 2000 elections.
- d) Greater transparency: The Electoral Commissions reports to all the key stakeholders on developments on the electoral process.

On the basis of the above observations, CCM indicated that they were of the view that the political environment across Tanzania, including in Zanzibar, was conducive for free and fair elections. And based on its manifesto, the party expressed optimism in winning both the Union and Zanzibar elections and pledged to accept results provided there were no threats to its supporters.

While taking note of the improvements in electoral management, CCM expressed concern on the occurrence of a number of isolated political incidents that threaten peace and stability in Tanzania. CCM attributed these incidents to provocation from opposition supporters. However, CCM expressed hope that the police and other state organs would curb any attempts to threaten voters.

Asked to comment on the number of women candidates that the party was fielding, the Mission learnt that CCM was fielding a total of 20 out of 240 candidates in the Union elections, and 1 and 21 women candidates in the elections for the Zanzibar House of Representatives and local council wards respectively.

3.3.2 Civic United Front (CUF)

Richard Hiza Tambwe, Director for Publicity and Information, CUF

The Civic United Front (CUF) was formed in 1992 after the re-introduction of multi-party politics in Tanzania. The party took part in both the 1995 and 2000 elections. In 1995, the party won 28 seats in the Union Parliament. 24 of these were for constituency seats while the remaining four were allocated to the party from the Special Women seats quota. The party had also fielded presidential candidates in both the 1995 and 2000 elections. These candidates got 6% and 16.3% of the votes in 1995 and 2000 respectively.

CUF identified a number of challenges in the 2005 elections. These included:

- *Limited campaign time*: with campaigning limited to 69 days, CUF was of the view that this is inadequate, given the geographical size of Tanzania. CUF was of the view that the situation is made worse by the fact that opposition parties face further challenges in terms of campaign resources, against a background of a generally poor transport infrastructure.
- *Disqualification of candidates*: The Mission was informed that up to 10 CUF candidates were disqualified by Returning Officers during the nomination process. Among those disqualified was a former cabinet Minister in the CCM government who had joined CUF in early 2005.
- *Financial imbalance*: according to Tanzania electoral laws, only those parties that get a minimum of at least 5% in the previous elections receive government funding in proportion to their share of the vote. CUF is of the view that this disadvantages opposition parties, who do not receive as much government funding as the ruling party. As a result, opposition parties struggle to compete against the ruling CCM.
- *Media bias*: CUF was of the view that the public media is biased towards the ruling party. Additionally, the party felt that money also plays a big role in ensuring media

coverage, with richer parties paying for media coverage, again, disadvantaging those parties that do not have rich financial resources.

- CUF also expressed concern on the tendency by the ruling party to *use government and public resources for campaign*. The party gave the example of the State Vice president who it alleged uses the presidential jet to attend party campaign rallies.
- *Police Intimidation*: CUF alleged Police intimidation of the opposition was a major cause for concern, especially in Zanzibar.

3.3.3 Chama cha Maendeleo na Demokrasia (CHADEMA)

Prof. Baregu, Party Adviser and Member of Party central Committee

Susan Lyimo, Director of Policy and Research, Adviser, Women Wing

Dr. Mazerumule Shija, Deputy Director for Campaigns and Elections

The CHADEMA delegation first informed the delegation that CHADEMA (Chama cha Maendeleo na Demokrasia), means Party of Democracy and Development. The party was founded in 1992 and is driven by the following ideals:

- a) CHADEMA proposes to abandon the present system of governance, from the top to the bottom. The party seeks to dismantle the whole governance system (National, regional, district system, largely inherited from colonialism). This system was designed to control the natives and to extract resources. The party proposes to introduce a system that not only brings development to the people, but can also promote accountability. The party would thus create new and larger regions, which are more diversified and can be self-sufficient and can be governed on a federal or confederal systems.
- b) The party believes that because of underdevelopment and the forces of globalization – Tanzanians are progressively losing control over their economy. The party seeks to tame globalisation to make the country better prepared with the vagaries of globalization and other pressures.
- a) The party portrays itself as heirs to Mwalimu Julius Nyerere's political goals – to provide education, clean and potable water – which it argues, have not been given a central place in national policy.
- b) The 2005 CHADEMA election manifesto isolates a number of issues as areas that deserve particular attention from government with a view to transforming the country, namely, education, health, anti-corruption, governance and agriculture and youth employment – this gives us the capacity

CHADEMA was fielding a total of 138 candidates for Parliamentary seats, 119 on the mainland, and another nineteen in Zanzibar. In addition, the party was fielding 1,800 candidates for councillors. Of the 138 parliamentary candidates, 10 were women on the mainland and two female candidates in Zanzibar. The party also indicated that up to 20% of its candidates for the post of councillors were female.

CHADEMA indicated that the party was finding it extremely difficult to reach people across the country. This was attributed to poor infrastructure and difficulties in reaching out to people in the rural areas, the majority of whom, it was claimed, are unaware of political party activities. Most parties, including CHADEMA, therefore, find it easier to reach out to people in urban areas. The party had also used a new approach in the 2005 elections by hiring a helicopter for its presidential candidate as a way of improving campaign outreach. These limitations notwithstanding, CHADEMA was expecting to win between 80-100 MPs, and more than 1000 councillors.

The following were highlighted as some of the major challenges for CHADEMA and other opposition parties in the elections:

- a) **Electoral rules do not allow independent candidates** in Tanzania. There could have been a lot more candidates if independents were allowed.
- b) **Electoral rules do not allow coalition building** – CHADEMA would have loved to work with CU, for example, by fielding a joint presidential candidate. If this was possible, we could have a different election. However, under Tanzania's electoral laws, this is not possible.
- c) **Party funding**: Tanzania does not have a system in which political parties receive any grants for elections. The only parties that receive funding are those that are in Parliament and receive government subsidies, calculated in line with a percentage share of their votes in the previous election. This makes the day to day running of political parties and campaigns difficult.
- d) **Campaign funding**: the most powerfully advertised are the ruling party. Although Tanzania has a law which prohibits corruption in elections, there is no mechanism for monitoring how much money political parties raise, from what sources and how that money is used. There is need to have legislation on party funding but attempts have so far failed.

The party was optimistic that the changes to the electoral rules and regulations since 1995 had gone a long way to making the system more credible and that the counting of the ballots and announcements at the polling station had reduced opportunities for stuffing of ballot boxes which has happened before. The party was therefore expecting a free and fair election, particularly on the mainland.

Women's Participation

CHADEMA indicated a number of challenges that limit women participation in Tanzanian politics, including:

- Lack of access to education and weak economic position in society generally. The party acknowledged that fielding less than 10% women candidates in the elections was a big problem.
- Cultural and Traditional mindset – where women candidates are not as well supported as the male candidates by the electorate.
- Lack of confidence on the part of women – sometimes even the few women that are nominated to stand, do not campaign as much as the male candidates.

The party indicated that it is constrained by resources to undertake initiatives and programmes that would increase the number of women participants in the party's affairs. This notwithstanding, the party had held seminars and training for women and undertook civic education campaigns aimed at changing people's mindsets to accept that women can make very good public leaders.

3.3.4 Tanzania Labour Party (TLP)

Hamad Rajab Tao, Secretary General

Severian Rweyemamu, Chairman of the Elders' Wing

The TLP representatives informed the Mission that their party was formed in 1993, shortly after the introduction of multi-party politics in Tanzania. TLP positions itself as a social democratic party, and aims to fight for the improvement of the welfare of workers, peasants and petty traders so that they can have a fair share of the national cake.

The party has contested in the two multi-party elections of 1995 and 2000. In 1995, the party did not win any seat but won five parliamentary seats in the 2000 elections.

The party fielded more than 150 parliamentary candidates in the 2005 elections and was optimistic of doing better to increase their number of parliamentary seats. Apart from fielding parliamentary candidates, TLP was also fielding a presidential candidate in the name of Honourable Augustine Mrema in the 2005 elections. Mr. Mrema once served as a Deputy Prime Minister in the one party government. The party was also fielding more than 1000 candidates for local councillor seats.

The party's 2005 election manifesto focused on the following areas:

- Promoting improvements in the agricultural sector by liberating peasants from the hand-hoe, including introduction of irrigated farming with the overall aim of increasing agriculture's share towards government revenue from 40 to between 70 and 80 percent.
- Improving social welfare, health, education – by introducing free education from primary school to the University and provision of more bed-space in hospitals and improving salaries of health sector personnel.
- Increasing the percentage of households with electricity access from the current three percent by introducing and promoting solar energy.
- Fighting corruption, including improving on the rule of law and good governance.
- Increasing loyalties from the mining sector that go to government from the current 3% to a minimum of 10%.

TLP indicated that as a party, they were looking forward to having fair and free elections and called upon International Observers, including SADC PF, to assist in ensuring that the elections were truly free and fair. The party indicated that the introduction of a Permanent Voters' register would go a long way to making the 2005 elections fairer by minimising opportunities for rigging.

3.3.5 United Democratic Party (UDP) and National Convention for Construction and Reform – Mageuzi (NCCR-Mageuzi)

As part of its efforts to familiarise the mission with the political context within which the 2005 Tanzanian elections were being contested, the SADC PF mission also attempted to meet the United Democratic Party (UDP) and the National Convention for Construction and Reform – Mageuzi (NCCR-Mageuzi). However, the leadership of both parties was unavailable to meet the SADC PF team during the orientation programme. Both indicated that they were in the midst of their electoral campaigns and could therefore not be available to brief the members of the SADC PF mission.

3.4 Briefings with Other Electoral Observer Missions

As part of the Mission's orientation process, the Forum interacted and was briefed by other International Observer Missions, both before and after the postponement of the initial elections date. Among the Missions that were met included:

- United Nations Development Programme Observer Mission
- SADC Electoral Commissions Forum
- SADC Secretariat Election Observer Mission
- African Union and
- Commonwealth Observer Missions
- Electoral Institute of Southern Africa (EISA) Observer Mission

Prior to the postponement of the elections from the original date of 30 October 2005, these Missions were deploying Teams of Observers across Tanzania, with particular focus being attached to Zanzibar. The emphasis on Zanzibar by most Observers was in recognition that Zanzibar had proven to be the main flash-point in the 2000 elections.

3.4.1 SADC Diplomatic Corps

In addition to the briefings from the International Observers, the SADC Parliamentary Forum Mission was also briefed by the SADC Diplomatic Corps. The Mission was briefed, *inter alia*, on the administration framework for Tanzania and on the logistical organisation of the elections.

The Mission also learnt that most diplomatic Missions, particularly those from overseas, were keen to see a peaceful election and avoid a repeat of the problems experienced during and after the 2000 elections. On their part, the African Diplomatic Group met with the President of Zanzibar where, among other issues, they sought guidance on progress towards preparations for the elections. From this meeting, the African Diplomatic Group was informed that there was regular contact between the ruling and opposition parties.

CHAPTER 4:

THE TANZANIA ELECTORAL CONTEXT



4.0 THE NATIONAL ELECTORAL COMMISSION (NEC)

Under Tanzania's Constitution and Electoral Laws, the overall responsibility for managing Union elections, both on the mainland and in Zanzibar, and also local authority elections on the mainland, rests in the National Electoral Commission (NEC). The first National Electoral Commission following the re-introduction of multi-party politics in 1992 was appointed on 14th January, 1993. Under Sections 74 (7 and 11) and 75 of the Tanzania Constitution, NEC is expected to operate in an independent manner and is not obliged to follow orders or directives of any person or from any government department, nor should it follow the views of any political party. Specifically, Article 74 (7) of the Constitution says:

“in the exercise of its functions under the Constitution, the Electoral Commission shall not be subject to the orders or direction of any person or Department of Government..... or the views of any political party.”

4.1 DUTIES OF THE COMMISSION

NEC's duties are provided under the Constitution and the Elections Act of 1985. They include:

- (a) To supervise and coordinate the registration of voters in Presidential and Parliamentary elections in the United Republic;
- (b) To supervise and coordinate the conduct of the Pre-introduction of presidential and Parliamentary elections;
- (c) To demarcate the United Republic into constituencies for Parliamentary elections. Article 75 (3) and (4) of the United Republic of Tanzania empowers the NEC to review the delimitation of constituencies at least once every ten years;
- (d) To supervise and co-ordinate the registration of voters and the conduct of the elections of local councillors in the Tanzania Mainland;
- (e) To provide voter education.

4.2 COMPOSITION OF THE COMMISSION

The commission has a total of seven members appointed by the President. The Chairman of the Commission must be either a judge of the High Court or of the Court of Appeal. The Vice Chairman must be a judge of the High Court or of the Court of Appeal or a person who has been a judge or has qualifications to be appointed a judge. Furthermore, the Vice Chairman is appointed on the basis of the principle that where the chairman hails from one part of the Union, the Vice must be a person who hails from the other part of the Union.

The five other members of the Commission are as follows:

- One Commissioner must be appointed from among the members of the Tanganyika Law Society;

- The other four Commissioners are required to be persons with experience in the conduct and supervision of Parliamentary Elections or who have any other qualifications as the President may deem appropriate.

4.3 TENURE OF OFFICE

Commissioners are appointed for a period of five years, which can be renewed. Otherwise, Commissioners cease to be members of the NEC if their term of office has not been renewed, or:

- If anything happens which he/she had not been a member of the Commission would have made him ineligible for appointment to be a member of the Commission;
- If the President removes a member of the Commission from the Commission but only for failing to discharge his/her functions for whatever reason. (Constitution of the United Republic of Tanzania, 1977 Art. 75);

4.4 THE SECRETARIAT OF THE COMMISSION

Day to day operations of the Commission are managed by a permanent Secretariat. The Secretariat is headed by a Director of Elections, who serves as the Commission's Chief Executive Officer and as Secretary to the Commission. The Director is appointed by the President upon recommendation by the Commission.

Working directly under the Director of Elections, the NEC Secretariat has two sections, namely Elections section and Information, Research and Statistics section. These two are further sub-divided into four units as follows:

- Legal Unit;
- Administration and Personnel Unit;
- Accounts Unit; and
- Internal Audit Unit.

The NEC also has eight electoral committees that facilitate its daily operations and play key roles during elections, namely:

- International organizations and observers;
- Supplies and logistics;
- Press and public relations;
- Government and political parties;
- Civic education;
- NGOs;
- Electoral authorities and electoral processes; and
- Co-ordination.

4.5 APPOINTMENT OF REGIONAL ELECTION COORDINATORS, RETURNING OFFICERS AND ASSISTANT RETURNING OFFICERS

The Commission has no representative at the Regional levels but during elections the Commission appoints a Regional Election Coordinator for each region and a Returning Officer for each Constituency.

Before the General Elections of 1995, and for the by-elections that followed, the posts of Regional Election Coordinators (REC) or Liaison Officers, Returning Officers (RO) and Assistant Returning Officers (ARO) were advertised in the news media. According to the recent amendments, Returning Officers are City Directors, Municipal Directors, Town Directors, and District Executive Directors, (Elections, Act, 1985 Section 7(1)).

The Returning Officers are responsible in their constituencies for:

- Administrative matters
- All matters relating the registration of voters.
- Administering candidate nomination procedures in Parliamentary and local elections.
- Coordinating election campaigns.
- Preparation and setting up of registration centers and polling stations.
- Issuing election notices.
- Adding together the election results forwarded fro the polling stations.
- Announcing election results in case of Parliamentary and Local Authority elections.
- Compiling Presidential Election Results for the constituencies and submitting these to the Electoral Commission.

The main duty of the Regional Election Coordinator is to coordinate information, and to ensure the availability of material resources and other matters necessary for the efficient conduct of elections in the constituencies within their respective regions.

4.6 ELECTIONS OFFICERS' MISCONDUCT

Any election official whose misconduct leads to the nullification of election results is liable upon conviction to a fine of not less than Tshs. 100,000/= and not exceeding Tshs. 300,000/= or to imprisonment for a term of five years or to both.



CHAPTER 5:

MISSION FINDINGS

5.0 INTRODUCTION

The findings presented in this Chapter are based on observations and other assessments made by the SADC Parliamentary Forum teams on the 14 December 2005 elections in Tanzania. The findings are drawn from the Mission's pre and post elections observations that included briefings with various electoral stakeholders, including political parties, the Tanzania National Electoral Commission (NEC), religious leaders, civil society organisations, local and international election observers and the security services. The Teams also attended campaign rallies organised by various political parties, visited polling stations before, during and after polling and attended briefing sessions by NEC. Together the 11 teams visited just over 170 polling stations on the Tanzania mainland, Zanzibar and in Pemba.

At the end of the exercise the Teams went through a debriefing session that took place at Dar es Salaam Conference Centre on 16th December 2006. From their field observations, the Teams provided important information that informs on these findings. Although this report draws from the reports of all the teams, the findings in only present the general and overall picture of what emerged from the field observation reports.

5.1 ELECTIONS ENVIRONMENT

5.1.1 Legal Framework

General Elections in Tanzania are governed by various pieces of legislation. These include the country's Constitution. The Constitution of the United Republic of Tanzania, as amended in 1992 (called the 8th Amendment), provides for and protects the franchise rights of citizens. The constitutional provisions are supported by other election-specific legislation. **These include:**

1. the Elections Act No. 1 of 1985,
2. the Local Government Authorities (Elections) Act, 1979,
3. the Local Government (Urban Authorities) Act, 1982, and
4. The Local Government (District Authorities) Act, 1982.

The above election laws provide for candidate nomination and campaign guidelines, voting procedures and vote counting as well as the computation of special seats for women in parliamentary and local government elections. In addition to the above legal framework, the National Electoral Commission (NEC) has made several Regulations and Guidelines to operationalize and facilitate the day-to-day conduct of electoral duties. Specifically, these Guidelines are designed to explain to electoral staff such as registration officers, returning officers, polling officers as well as political parties, their candidates and agents their duties and responsibilities during the electoral process. **Among the key Guidelines and regulations for the 2005 Tanzania elections included:**

1. Presidential and Parliamentary Elections (Registration of Voters) Regulations, 2004,
2. Councillors' Elections (Regulation of Voters) Regulations, 2004,
3. Presidential and Parliamentary (Elections) Regulations, 2005, and
4. Councillors' (Elections) Regulations, 2005.

The Forum Observer Mission findings showed that the 2005 Tanzania General Elections were

conducted in accordance with the country's legal framework and that these are conducive to the conduct of elections in a transparent, calm, legitimate, free and fair atmosphere.

5.1.2 Political Environment

One of the key criteria for measuring the credibility and legitimacy of elections is the political environment within which the elections are conducted. The SADC Parliamentary Forum Mission to the December 14th General Elections in Tanzania therefore paid particular attention to the prevailing political environment within which the elections were conducted.

Overall, the Mission noted the political environment, both before, during and after the polls, was characterised by calm, absence of intimidation and violence and peaceful coexistence. During its presence in the 10 regions where it deployed its 11 Teams (Dar-es-Salaam, Unguja and Pemba Islands, Tanga, Kilimanjaro, Arusha/Manyara, Iringa, Dodoma, Tabora, and Morogoro) the Mission did not witness any serious instances of election-related violence. The political environment in Pemba and Unguja (Zanzibar) was also observed to be generally calm, free of intimidation and violence, and cordial relationship existing between the main political parties.

The peaceful political climate in 2005 could be attributed to the regular high level security dialogue meetings involving Government Security Organs, leaders of political parties and the Electoral Commission. The Mission noted that the accession by 16 political parties, government and NEC to the voluntary Code of Ethics had gone a long way in creating a peaceful and calm political environment that made it possible for voters to go and cast their votes without fear. Additionally, the presence of security forces during the elections period contributed to ensuring peace and tranquillity.

In Zanzibar, the signing of the ***Muafaka*** Accord between the ruling Chama Cha Mapinduzi and the Civic United Front (CUF) also played a key role in reducing tension and conflicts among political party supporters. Among the outcomes of this Accord was formation of an Inter-Party Consultative Committee that brings together the leaders of all political parties to a regular dialogue forum.

The calm and peaceful political environment that facilitated a violence-free election process can also be attributed to the role of the Tanzanian security forces. The Mission observed increased mobile police patrols and visible police presence at polling stations to enhance the security of voters. The regular high level security dialogue meetings involving Government Security Organs, leaders of the political parties and NEC contributed significantly to a violence-free election process. The army facilitated the distribution of voting materials while the police were responsible for the safety and security of the materials.

Overall, the Mission noted that the peaceful political atmosphere that characterised the 2005 elections marked a significant improvement from the 2000 elections which were characterised by heavy political tension. This not only led to the annulment of a number of results, but also led to loss of life, particularly in Zanzibar and Pemba. Several Tanzanian citizens were also forced to flee and seek refuge in neighbouring Kenya in the aftermath of the 2000 elections.

Based on these observations and notable improvements, the Mission commended the NEC, the security services, the major political parties and other stakeholders, for their commitment and public pronouncements on the need for a peaceful election. The Mission further believed that the prevailing calm and peaceful political environment at the time of elections fostered a climate of security and thus encouraged voters, especially women, to turn out in large numbers to cast their vote without fear.

5.1.3 Conflict Resolution Mechanisms

As one of the ways of handling conflicts during the electoral period, NEC introduced eight administrative committees that advised the Commission on how best to manage and supervise the electoral process as the most effective conflict resolution mechanisms. The Committees were composed of representatives

from political parties, representatives from media houses, both public and private, and also from civil society. Though not statutory, the Committees were an initiative by NEC to involve political parties in addressing election-related conflicts before they erupt into open public violence. Through these Committees the Commission briefed political parties on electoral developments on a regular basis and reiterated its commitment to conduct free, fair and transparent elections. The voluntary Code of Conduct Committee with signatories from each political party and a Government representative also served as another important conflict resolution mechanism, as were seminars and workshops on the electoral process conducted by NEC for political parties and Government leaders. The Mission therefore commended NEC for undertaking this initiative which contributed to the overall peaceful and tranquil political environment within which the 2005 elections were contested.

5.2 ELECTIONS MANAGEMENT

One of the major outcomes of the reintroduction of multiparty politics in 1992 in Tanzania was the establishment of an independent National Electoral Commission (NEC). Among the key functions of NEC include supervision and coordination of the registration of voters, supervision and coordination of the conduct of elections and provision of voter education to name but a few.¹⁰

The Mission expressed satisfaction with the overall management of the 2005 elections by the NEC. NEC's decision to postpone the elections from the original date of 30th October 2005 was commended by the Mission as a sign of independence in the operations of the electoral management body as well as its willingness to respect the spirit and letter of Tanzanian electoral law.

The Mission also noted and commended NEC for showing flexibility and adaptability by utilising the period following the postponement of the elections to make corrections and update to the Permanent Voters Register with a view to enabling more eligible voters to take part.

5.2.1 Voter Registration

The voter registration exercise for the 2005 Tanzania elections took place in the first half of 2005. In a major improvement from the 2000 elections, NEC established a Permanent National Voters Register (PNVR) that included all citizens that were eligible to vote in the 2005 elections. Registered voters were provided with Voters Cards and the system also provided for a mechanism for continuous updating so as to maintain its validity.

At the end of the exercise, a total of 15.9 million voters were registered to vote in the 2005 elections. This translated to 96.2% out of the estimated 16.7 million eligible voters. Table 5.1 below provides a summary of the number of registered voters by region for the December 14th elections in Tanzania.

The Mission noted that the high number of registered voters indicated a high degree of willingness

Table 5.1: Number of Registered Voters by Region

Region	Voters
Mtwara	572,027
Lindi	395,730
Iringa	670,547
Mbeya	942,053
Rukwa	437,833
Ruvuma	505,512
Kigoma	595,074

continues on page 34

¹⁰ Please see section 4.1 for a detailed discussion of the duties of NEC.

Table 5.1: Number of Registered Voters by Region

Singida	474,603
Dodoma	748,629
Tabora	722,435
Mara	681,981
Kagera	912,256
Shinyanga	1,243,157
Mwanza	1,404,211
Arusha	656,398
Tanga	791,668
Kilimanjaro	659,514
Manyara	483,083
Morogoro	897,347
Pwani	456,781
Dar es Salaam	1,691,983
Pemba	1,761
Unguja	14,216
TOTAL	15,958,799

Source: NEC

and commitment on the part of Tanzanian citizens to use their democratic right to take part in the political affairs. Based on this observation, the Mission therefore commended NEC and the people of Tanzania for showing such a high enthusiasm in taking part in the democratic process.

5.2.2 The Voters' Roll

One of the key recommendations of the 2000 elections in Tanzania was the need for the establishment of a Permanent National Voters' Register (PNVR). This was perceived as one of the ways of reducing suspicion and thereby generating greater public confidence in the electoral process. This recommendation was also echoed in the Muafaka Agreement of 2001 between CCM and CUF.

In line with these recommendations, NEC introduced a Permanent Voters Register of Voters, together with the issuance of Voters' Cards, complete with passport-size photographs. As a way of increasing public confidence in the Voters' roll, NEC also involved political party agents in the registration process by holding briefing meetings with all stakeholders at both the national and regional levels. This contributed to enhancing transparency and stakeholders' confidence in the electoral process.

In accordance with Tanzania's electoral laws, the Mission observed that the voters' roll was displayed outside polling centres at least seven days before polling. This allowed voters, mostly women and youths, to verify their registration details in advance coming to verify their names. The Mission also learnt that NEC used the period that followed the elections postponement from 30th October to 14 December to further update the PNVR.

However, on voting day the Mission observed isolated cases of names that were reported to be

missing from the Voters' Roll, even if such individuals had registration cards. Such individuals were not allowed to vote. The Mission also encountered a few instances where details on voters' cards differed from those on voter registers.

Overall, the Mission commended NEC for introducing the PVR for the 2005 elections. Compared to the 2000 elections, the Mission was of the view that the introduction of the PNVR generated greater public confidence in the electoral process. NEC was also commended for exhibiting flexibility and adaptability by utilising the period in between the postponement of the elections from 30th October to 14th December to further update the Voters' roll. This allowed individuals who would otherwise have been disenfranchised to be allowed to participate in the elections.

5.2.3 Nomination of candidates

The Nomination date for candidates was set by NEC as 20th August, 2005. In accordance with Tanzanian electoral laws, all candidates have to be nominated and sponsored by registered political parties. A total of ten presidential candidates and their running mates were nominated by the various political parties. Of the ten presidential candidates, only one (Anna Senkoro, PPT Maendeleo) was a woman, while of the ten running mates, two (Anna Komu, CHADEMA) and Naila Jiddawi, NCCR-Mageuzi) were female. The rest of the candidates were all male. Table 5.2 below provides the names of the parties that put up presidential candidates and the names of the candidates and their gender composition:

In the parliamentary elections, a total of 1225 candidates were formally nominated to contest for

Table 5.2: Presidential Candidates and Running Mates in 2005 by party and gender

Party	Presidential candidate	Gender	Running Mate	Gender
CCM	Jakaya M. Kikwete	M	Dr. Ali Shein	M
CHADEMA	Freeman Mbowe	M	Anna Komu*	F
CUF	Prof. Ibrahim Lipumba	M	Juma Haji Duni	M
DP	Mchungaji Augustine Mtikila	M	Soud Said Said	M
MAKINI	Prof. Leonard Shayo	M	Hussein Ali Suleiman	M
NCCR MAGEUZI	Edmund Mvungi	M	Naila Majid Jiddawi	F
NLD	Dr. Emmanuel Makaidi	M	Mohamed Ali Kassim	M
PPT -MAENDELEO	Anna Senkoro	F	Yusuph Mchenga	M
SAU	Paul Kyara	M	Ramadhani Haji	M
TLP	Augustine Mrema	M	Omari Rukia	M

Source NEC

the 232 parliamentary seats on offer. Of the 18 parties that put up candidates in the parliamentary elections, only CCM put up candidates in all the 232 constituencies. A further 7593 candidates were registered for the council elections, with CCM again putting up the highest number of candidates of 2552. A total of 8 parliamentary seats and a further 192 councillor seats were uncontested in areas where CCM was the only party to field candidates. Table 5.3 below provides a summary of the number of candidates in the parliamentary and councillor elections by party:

In addition to the elected seats, a total of 78 and 928 seats were reserved as women special seats in

Table 5.3 Number of candidates in the 2005 Parliamentary and Councillor Elections by Party

Party	Parliamentary candidates	Councillor candidates
CCM	232	2552
CHADEMA	145	1106
CHAUSTA	61	96
CUF	212	1865
DP	45	90
FORD	11	18
JIHAZI ASILIA	55	32
MAKINI	16	26
NCCR MAGEUZI	71	339
NLD	29	39
NRA	27	7
PPT-MAENDELEO	16	22
SAU	53	94
TADEA	34	28
TLP	116	1010
UDP	38	205
UMD	21	22
UPDP	42	42
TOTAL	1225	7593

Source: NEC

the parliamentary and councillor elections respectively.

5.2.4 Voter Education

The responsibility of undertaking voter education is entrusted with the NEC. The Commission conducted voter education through news media such as radio, Television and newspapers, distribution of election leaflets and posters, and through printing khangas carrying both registration and polling messages. The Commission also conducted Training of Trainers Workshops for Regional Election Coordinators, Returning Officers and Assistant Returning Officers. Returning Officers in turn conducted seminars for presiding and polling officers.

In addition to NEC, political parties also provided some voter education to their followers focusing on encouraging them to vote for their party. In addition some donors have financed civic education programs conducted by NGOs. Some faith based organizations such as the Roman Catholic Church and the Islamic Community also conducted voter education.

Overall, the Mission expressed satisfaction that NEC, political parties and civil society organisations

undertook significant work in relation to voter education. This was evident in voters' familiarity with the voting process. The Mission found that most voters were aware of voting procedures, including the times for the opening and closing of the polls. This knowledge contributed to minimising the numbers of spoilt ballot papers, while the knowledge of opening times meant that there were no last minute rushes at the polling stations.

However, there is still room for improvement. A number of the Mission's teams (e.g., Morogoro, Arusha/Manyara, Dodoma and Tabora), recorded instances of spoilt ballot papers in all the three elections, which could be an indication of inadequate voter education.

5.2.5 The Campaign Process

The campaign period for the 2005 elections kicked off on 21st August, 2005. The campaign period was initially set to close on the eve of the initial day of the elections, October 29th. The Mission found that the campaign messages focused primarily on selling the political parties and advocated for peaceful elections.

The campaign period was extended following the postponement in October to 14 December 2005. This resulted in a protracted campaign process that was financially draining especially on the part of smaller political parties. The mood of the people and the contesting political parties themselves appeared to be low and the tempo of the campaign slowed. The Mission observed that in most regions, campaign materials of only the ruling party (CCM) were posted visibly on buildings and other public places. However, there were no complaints from other political parties of having been restrained from doing so by anybody.

The Mission further learnt that the election campaigns were coordinated by the election Returning Officers. Each political party is, under the law, required to submit their proposed campaign schedule to the Returning Officers. These in turn convene meetings of all political parties to agree on a coordinated programme of campaign meetings. The Mission commended NEC and the political parties for adhering to this arrangement which contributed to further minimising conflicts and clashes over campaign venues.

On the whole the Mission commended the people of Tanzania and their Political Parties for mounting political campaigns with minimal violence. The few incidents of clashes between CCM and CUF supporters reported in some areas in Dar-es-Salaam and Zanzibar usually happened during marches and either before or after rallies and were not sufficient enough to distort the general atmosphere of peace and calm that characterized the campaign process.

5.2.6 Appointment and Training of Election officials

In line with its legal mandate, NEC appointed election officials to manage the 2005 elections. A total of 124 Returning Officers were appointed on the mainland and a further 10 in Zanzibar. In addition, NEC also appointed 5,754 Assistant Returning Officers for mainland Tanzania and 60 for Zanzibar. After the appointments, NEC conducted Training of Trainers Workshops for the regional Election Coordinators, Returning Officers and their Assistants. A refresher seminar for all these officers was also held on 13th October, 2005. These in turn were required to train Presiding Officers and Polling Assistants and other officers involved in the elections.

The Mission noted that the majority of polling staff were well conversant and experienced in elections management. A significant proportion of the electoral staff had taken part in similar work in previous elections. For example, in Unguja Urban, Old Stone town at Madawa Polling Station, 14 of 15 polling staff had worked as polling station officials in previous elections. This again contributed to a smooth and professional management of the 2005 elections.

5.2.7 Polling Stations

The Mission noted that there were a total of 47,150 polling stations for Mainland Tanzania for 15,935,459 million registered voters and 1,560 for Zanzibar for 507,977 registered voters. In the event of a 100% voter turnout, each polling station on Mainland Tanzania would have served an average of 338 voters while in Zanzibar each polling station would serve an average of 315 voters. The polling centres visited on the polling day had on average 300 to 400 voters per station. The Mission found the number of polling stations to be adequate to ensure that as many eligible voters as possible cast their votes between 0700 hrs (opening of polling) and 1600 hrs (closing of polling).

The Mission also noted that generally, there was sufficient polling staff at the polling stations to oversee the voting process. The presence of political party representatives also served to generate increased confidence and improve transparency in the voting process. However, the Mission noted that there were very few International Observers present at the polling stations, particularly on the mainland. Local observers from TEMCO were however present in a number of polling stations that were visited by the Mission Teams. No unauthorised personnel were encountered at the polling stations.

The Mission also noted that polling centres were located in neutral and accessible locations such as schools and open places as playgrounds and markets. The regulation that prohibits campaign material within a 200 meter radius of polling stations was also adhered to in all polling stations that were visited by the Teams. However, in some sparsely populated regions and towns, such as Arusha, and Longido District where settlement patterns are scattered, distances from one polling station to another ranged between 20 to 30 kilometres.

Furthermore, the polling stations catered for the voters in alphabetical order. This reduced congestion and speeded up the voting process. However, in some polling stations the alphabetical letters of voters were not publicly visible causing confusion on the part of voters looking for their polling stations.

The safety of voters at polling stations was guaranteed by the presence of Police personnel. Political party agents were also present at polling stations to monitor and observe the voting process. The general assessment of the Mission was that party agents expressed their satisfaction with the way the voting process was managed. The atmosphere at polling centres was on the whole calm and peaceful and the voters were able to cast their votes without fear or intimidation.

5.2.8 Voting Materials

The polling stations visited by the Mission's Teams had received the voting materials in advance except for the ballot papers that were distributed on the 13th of December 2005. The materials were guarded by the police on a 24 hours basis for safety reasons. There were no reports of voting materials disappearing or polling stations failing to vote because of the non arrival of voting materials. The Mission commended the National Electoral Commission for effectively distributing voting materials to polling stations before the polling day on 14th December 2005.

5.2.9 The Poll and the Count

Polling opened on time (07:00 am) in the stations that were visited by the Mission teams. The voting process was usually very smooth, with voters spending an average of thirty minutes on the queue before they could vote. People requiring special assistance, such as the elderly and those with physical disabilities were assisted by people they had nominated.

Polls closed as stipulated at 4:00 pm. In the cases where people were still on the queue at the time of closing of polls, such individuals were allowed to vote in accordance with the law. For example, at Wami Dakawa polling station in Morogoro region, there were still about 21 people on the queue by 4:00 pm. These were however allowed to vote and as a result, polling stopped at 4:30 pm. In the majority of cases, however, there were no people remaining on the queues at 4:00 pm, suggesting a large degree

of awareness of the time of the closing of the polls, which meant that by 4:00 pm, the majority of the people had already voted.

The Mission was satisfied that the polling arrangements were of such a nature as to ensure and assure the secrecy of the ballot. The secrecy of the ballot was assured by making the voters cast their votes in a polling booth. The transparency of the voting process was enhanced by the use of translucent ballot boxes clearly marked with black tops for Presidential ballot, blue top for Parliamentary ballot, and the white top for Council ballot.

Generally speaking, the Mission observations found that polling officials mounting the stations visited by the Mission Teams conducted themselves in a professional and efficient manner. Opening, closing and counting procedures were professionally followed as provided by the electoral laws to the point that there were only isolated cases of complaints from party agents who were present at polling stations.

5.3 VOTER TURNOUT

Based on its preliminary observations at the polling Centres visited and subject to the release of official figures, the Mission was of the view that voter turnout was quite high and the voting process was generally calm and peaceful. Voters were orderly as they waited in lines for their turn to cast their votes. The high turnout demonstrates that the postponement of the elections from October 30 to December 14 did not seriously affect enthusiasm to vote. However, the Mission noted with concern the fact that the official voter turn out figure of 72.4%, though still relatively on the higher side, was the lowest since the re-introduction of multi-party politics in 1992, having stood at 76.7 % and 84.4% in 1995 and 2000 respectively.

5.4 MEDIA COVERAGE

The Mission observed that the NEC had developed a Code of Ethics for the Media for election reporting. On its part the state owned Media had prepared a coordinated program to provide all political parties with Presidential Candidates an opportunity to publicise their policies and programs. On its part the media print and electronic alike endeavoured to ensure a balanced and fair coverage of election-related events. Compared to the 2000 General Election, media reporting for the 2005 General Election appears fairly positive and more balanced. All political parties received coverage in the public and private media, coverage which included profiles of presidential and other candidates.

Apart from concerns that the Tanzanian media tends to be more focused on results and less on the electoral process, the Mission commended the Tanzanian media for doing a commendable job in coverage of the 2005 elections. The Mission also took note of the fact that for the first time, the Tanzania Election Media Monitoring Project 2005 had praised the state news media for taking the lead in offering voter education and also for neutrality in election reporting coverage.

5.5 GENDER

Tanzania stands out as one of the countries in the SADC region that has achieved, and is expected to surpass the minimum 30% SADC requirement for women's representation in Parliament, among other political and decision making positions. This, the Mission noted, was underpinned on the 30% legislated quota for women parliamentarians and councillors. However, whereas women were represented in large numbers at campaign rallies and as voters, the number of women contesting in the elections was low. Of the ten political parties contesting Presidential Election, only one was featuring a female candidate, while a further two were featuring women as running mates (see Table 5.2 above). A similar trend was also observed in the parliamentary and local councillor elections. For example, only three candidates were being featured to contest for the 50 constituencies in Zanzibar. In Kilimanjaro, of 52 candidates contesting for the region's 9 parliamentary seats, only one was a woman.

The Mission noted with concern, political parties' over-reliance on the legislated quota to ensure women's participation as Parliamentarians. It is the Mission's view that in addition to the legislated quota, Tanzania political parties must ensure that women and men have equal opportunities to contest elections. The state and political parties should create an environment that encourages women to participate in political processes.

With respect to election officials, the Mission was pleased to note that the majority of election officials at the polling stations were women and the greater majority of voters were women. The Mission however expressed concern at the fact that the composition of the NEC in 2005 was predominantly male. Out of the seven Commissioners, only two were female. Gender considerations are not mentioned in the law establishing the Commission.

5.6 INTERNATIONAL, REGIONAL AND LOCAL OBSERVERS

Against the background of the disputed 2000 elections in Zanzibar and the immediate aftermath, most international and local observers paid a lot of attention to the 2005 elections in Zanzibar that took place as stipulated on 30 October. However, very few of the international Observer Missions returned for the 14th December Union elections, so much that often the SADC Parliamentary Forum Mission teams were the only international observers present at most polling stations.

Among the main local observers was the Tanzania Electoral Monitoring Committee (TEMCO), which was formed in 1995 and has been the leading local elections monitoring body since its formation.

5.7 ELECTION RESULTS

Tables 5.4 and 5.5 below provide summaries of the results of the 14 December 2005 elections in Tanzania as released by NEC. In the Presidential contest, CCM's candidate, Jakaya Kikwete emerged victorious after garnering 80.28% of the total votes cast. In the parliamentary race, CCM also won a significant majority of the seats, gaining a total of 206 elected seats and a further 58 women special seats.

Table 5.4: 2005 Presidential Election Results

Presidential candidate	Party	Votes	Percentage Share
Jakaya M. Kikwete	CCM	9,123,952	80.28
Prof. Ibrahim Lipumba	CUF	1,327,125	11.68
Freeman Mbowe	CHADEMA	668,756*	5.88
Augustine Mrema	TLP	84,901	0.75
Edmund Mvungi	NCCR MAGEUZI	55,819	0.49
Augustine Mtikila	DP	31,083	0.27
Dr. Emmanuel Makaidi	NLD	21,574	0.19
Anna Senkoro	PPT -MAENDELEO	18,783	0.17
Prof. Leonard Shayo	MAKINI	17,070	0.15
Paul Kyara	SAU	16,414	0.14
	TOTAL	11,365,477	100.00

Source: http://en.wikipedia.org/wiki/Tanzanian_elections,_2005#Union_President

Table 5.5: 2005 Union Parliamentary Elections results

Party	Parliamentary candidates	Additional Women's seats	Total
CCM	206	58	264
CUF	19	11	30
CHADEMA	5	6	11
TLP	1	0	1
UDP	1	1	1
TOTAL	232	76	307

Source: <http://africanelections.tripod.com/tz.html>



CHAPTER 6:

CONCLUSIONS AND RECOMMENDATIONS

6.1 GOOD PRACTICES

Based on the administrative and legal amendments to the electoral laws introduced by the NEC and on the Mission's own observations the following emerged as the good practices from the Tanzanian electoral process:

- Well trained and experienced election officers that performed their duties with impartiality;
- Introduction of a Permanent voters register that assisted in quick identification of voters;
- Fair and equitable coverage of all parties in media
- Elderly and people with physical disabilities assisted to vote
- Presence and participation of political party agents in voter registration, monitoring the distribution of election materials, polling stations, actual voting and counting and tallying of votes;
- Counting of ballots at the polling station level, signing of results sheets by polling staff and party agents, announcing results at the polling station, display of signed results sheets at every polling centre and giving a copy of the signed sheet to polling agents;
- Visible police presence at all polling stations to enhance security and safety of voters;
- Multiple voting stations at each of the polling centres arranged according to voters' surnames to speed up the voting process;
- Usage of translucent ballot boxes to enhance the transparency of the electoral process introduced in the 2000 General Elections and allowing party agents to witness that the transparent boxes were empty and sealed before voting started;
- Heavy penalties (both pecuniary and possible jail terms) for elections officials who mismanage the electoral process to ensure high levels of accountability;
- Creation of eight administrative committees by NEC with membership from different political parties that advise NEC on various aspects of the electoral process to enhance transparency and confidence in the process;
- Setting up a Code of Conduct Committee with one representative from each party as a signatory and a Government representative to regulate political behaviour during elections;
- Convening of regular consultative and briefing meetings of political parties to discuss various stages of the electoral process to minimize election-related conflict;
- NEC Organizing seminars and workshops for political and Government leaders on the electoral process as a conflict resolution mechanism;
- Agreement on the part of political parties on modalities for candidates to access public media that has resulted in balanced coverage on election reporting;
- Introduction of a Permanent Register of Voters (PRV), together with the issuance of Voters' Cards, complete with passport-size photographs aimed at enhancing people's confidence in the transparency of the electoral process;
- Allowing incapacitated voters (elderly, infirm and visually impaired) to bring a person of their choice to assist them in the voting process rather than being assisted by presiding officers; and
- Allowing internal and external election monitors and observers respectively to observe the voting process and pass a judgment on the management of the process.

6.2 RECOMMENDATIONS

Mindful of the tremendous improvements made in enhancing the performance, transparency and accountability of the electoral process, the SADC Parliamentary Forum Observer Mission to the 2005 Tanzania General Election observed the following areas as requiring further improvement:

- Making the current voluntary political party Code of Conduct statutory so that it is binding on the stakeholders;
- Raising more resources for voter education and engaging NGOs in conducting voter education;
- Increased political will and commitment on the part of political parties to ensure the equitable representation of women and men in the political and electoral process;
- The introduction of Braille ballot papers to further enhance the secrecy of the ballot for the visually impaired; and
- Mindful of the fact that some voters might not have gone to verify their names on the Voters Register, the Mission is of the view that further improvements on the Voters Register are necessary so that those with voter registration cards are not disenfranchised for not finding their names on the register.
- Setting up clearly identifiable Information Centres at polling centres to provide information on the voting process to voters and observer missions.

6.3 CONCLUSION

Having regard to the above, the Mission is of the view that the 2005 Tanzania General Elections were a significant improvement from those of 2000. **The Mission therefore concluded that the elections were held largely in terms of the electoral laws of Tanzania, regional electoral norms, standards and guidelines. The elections provided the people of Tanzania with an opportunity to express their democratic right and political will and the Mission judged them to be on the whole free and fair.**

6.4 MISSION STATEMENT

At the end of the observation process, the Mission issued an interim statement on the overall conduct of the electoral process during the 14th December 2005 elections in Tanzania. The statement, which was released on 17th December 2005, focused, among other issues, on good practices, challenges, recommendations and a conclusion on the entire electoral process. The statement also made a determination on the freeness and fairness of the elections and a determination on the extent to which the election results were **a reflection of the will of the people of Tanzania**.¹¹ The statement also commented on the credibility and legitimacy of the elections and the extent to which they conformed to the Norms and Standards for Elections in the SADC Region, SADC Principles and Guidelines Governing Democratic Elections (2004) and OAU/AU Declaration on the Principles Governing Democratic Elections in Africa – AHG/DECL.1 (XXXVIII). The Mission Statement is attached as Appendix 8.

¹¹ The phrase “will of the people” to be used in conjunction with a definitive statement on the electoral process

Appendix 1:



MISSION PRESS RELEASE 7TH DECEMBER 2005

SADC PARLIAMENTARY FORUM ELECTION OBSERVATION MISSION TO THE UNITED REPUBLIC OF TANZANIA 2005 ELECTIONS *Arrival Statement*

At the invitation of both the Ministry of Foreign Affairs and International Cooperation of the United Republic of Tanzania, the SADC Parliamentary Forum (the Forum) will be observing the organization and conduct of the 14th December, 2005 Presidential, Parliamentary and Councillors' General Election in the United Republic of Tanzania. The 35-member observation mission will be led by Honourable Mpeo Mahase of the Parliament of Lesotho. The Deputy Mission Leader is Honourable Feliciano Anjo Bernard Mata of the National Assembly of Mozambique. Other members of the mission are Members of Parliament from Angola, Botswana, Democratic Republic of Congo (DRC), Lesotho, Malawi, Mozambique, South Africa, Swaziland, Tanzania and Zambia as well as Forum Secretariat staff.

The Observation Mission will be in Tanzania from Wednesday 7th December to 18th December 2005 and will observe the conduct of the electoral process in ten regions of the United Republic of Tanzania. This is the second time that the Forum will be observing Presidential and Parliamentary Elections in Tanzania, having observed and published a report on the 2000 elections. Since then, the Forum has observed thirteen national elections in other SADC Member States¹². The observation Mission to Tanzania will assess the following.

1. The constitutional and legal framework within which elections are conducted;
2. The historical socio-economic and political environmental within which elections are taking place.
3. The extent to which the elections are conducted in line with the constitutional and legal framework, provision of each of the countries and relation to the *Norms and Standards for Elections in the SADC Region*¹³, *SADC Principles and Guidelines Governing Democratic Election (2004)* and *OAU/AU Declaration on the Principles Governing Democratic Elections in Africa – AHG/DECL.1 (XXXVIII)*;
4. The gender trends and voter turnout in comparison to previous elections;
5. The organizational arrangement of the electoral process by examining the following:
 - a) Independence, impartiality and accountability of electoral institutions, including stakeholders' confidence in the election authorities
 - b) Secrecy of the ballot, the transparency and legitimacy of the electoral process.
 - c) Voter registration and the state of the voters' roll paying special attention to the inclusiveness and availability of the voters' roll to stakeholders.
 - d) The campaign processes and the conduct of political parties with reference to enforcement of and compliance with codes of conduct.
 - e) Publication of the election calendar, preparation and distribution of voting materials.

¹³ Since 1999, the SADC Parliamentary Forum has observed elections in Mozambique (1999), Namibia (1999), Mauritius (2000), Zimbabwe –Parliamentary (2000), Tanzania (2000), Zambia (2001), Zimbabwe-Presidential (2002), Lesotho (2002), South Africa, Malawi, Botswana, Namibia and Mozambique (2004).

¹⁴ The Plenary Assembly of the SADC Parliamentary Forum unanimously adopted the Norms and Standards for Elections in the SADC Region on 25th March 2001 as a benchmark for the design and conduct of credible and transparent electoral systems and processes in the SADC region.

- f) Civic and voter education including the quality of the education, gender sensitivity of civic and voter education materials and programmes, the role of the electoral commission, civil society organizations and political parties,
- g) Gender mainstreaming in political activities, party manifestos, electoral systems, practices and processes, including the management and administration of elections;
- h) Role of the media with respect to fair balanced and gender sensitive media reporting and coverage on election activities.
- i) Polling stations with reference to adequacy, location and voters' access to information on polling stations.
- j) Polling arrangements with reference to opening of polling stations, availability of voting materials, secrecy of the ballot, and related administrative arrangements.
- k) Counting, reconciliation, verification, tabulation and announcement of results as well as the legitimacy of results by stakeholders.
- l) Role of security forces.
- m) Conflict resolutions mechanism in place with reference to the working relationship between the National Election Commission (NEC), Zanzibar Electoral Commission (ZEC), Government and political parties.

While in the United Republic of Tanzania the Mission will endeavour to consult all the stakeholders in the electoral process, including but not limited to the NEC, ZEC, political parties, civil society and international organizations. Other local and international observer groups and the media fraternity will also be consulted. On Thursday 8th December 2005 the Mission will participate in a briefing seminar to be conducted by the National Electoral Commission of Tanzania (NEC). A debriefing program for the mission will be held on Friday 9th December 2005.

Thereafter 12 teams comprising two Members of Parliament and at least one staff member will be deployed in 10 regions where they will observe the campaign, voting and counting of ballots.

At the end of counting of ballots, the teams will reconvene in Dar-es-Salaam, to issue an interim statement on the conduct of the electoral process. The statement will cover among other issues, good practices, challenges, findings and recommendations for future elections. The statement will also make a determination as to whether or not the process was free, fair, credible and legitimate.

Issued by the Secretary General, Dr. Kasuka Mutukwa
SADC Parliamentary Forum¹⁴ Election Observation Mission
Windhoek
Namibia

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December 2005

¹⁴ The SADC Parliamentary Forum is a regional organization of national parliaments of SADC Members States. Formed in 1996, the organisation's establishment was subsequently approved by the Summit of Heads of State and Governments as an autonomous institution of SADC, with the primary objective of strengthening the implementation capacity of SADC by involving parliamentarians in its activities. Among other areas of intervention throughout the region, the SADC Parliamentary Forum is involved in election observation, professional performance development for Members of Parliament on a wide range of issues including gender equality and women's empowerment. The Forum is also implementing programmes on HIV and AIDS, regional integration advocacy and the use of Information, Communication and Technologies (ICTs) in advancing the work of national parliaments. The Forum is the voice of parliamentarians in the SADC region and its headquarters is in Windhoek, the capital city of Namibia.

APPENDIX 2:



INITIAL OBSERVER MISSION ORIENTATION PROGRAMME

SADC PARLIAMENTARY FORUM ELECTIONS OBSERVATION MISSION BRIEFING AND CONSULTATIONS WITH STAKEHOLDERS VENUE: SEA CLIFF HOTEL: MBUNDYA ROOM

DAY 1:	MONDAY 24th OCTOBER, 2005
07h45	DEPART FROM HOLIDAY INN TO SEACLIFF HOTEL
09h00 – 09h15	Introductions and Programme Outline, <i>Ms Rumbidzai Kandawasvika- Nhundu, Senior Programme Officer</i>
09h15 – 09h40	Welcome Remarks: <i>Hon. Fatima Hajaig, MP, Mission Leader</i>
09h40 – 10h30	Method of Work, Mission Terms of Reference and Regional Election Instruments: <i>Ms Rumbidzai Kandawasvika- Nhundu, Senior Programme Officer</i>
10h30 – 11h00	Group Photograph and Tea Break
11h00 – 12h00	The Political and Constitutional Setting of Elections in Tanzania: <i>Professor Mallya, University of Dar es Salaam</i>
12h00 – 13h00	National Electoral Commission (TBC)
13h00 – 14h15	Lunch
14h15 – 15h15	Chama cha Mapinduzi (CCM)
15h15 – 16h15	Civic United Front (CUF)
16h15 – 17h45	Deployment Plan
19h00	Reception at the Holiday Inn
21h00	Commonwealth (<i>Mission Leader</i>) TBC
DAY 2:	TUESDAY 25th OCTOBER, 2005
06h00	DEPARTURE OF ZANZIBAR TEAMS
07h45	DEPART FROM HOLIDAY INN TO SEACLIFF HOTEL
08h30 – 09h30	Chama Cha Maendeleo na Demokrasia (CHADEMA)
09h30 – 10h30	Tanzania Labour Party (TLP)
10h30 – 11h00	Break

11h00 – 12h00	United Democracy Party (UDP)
12h00 – 13h00	National Convention for Construction and Reform – Mageuzi (NCCR-Mageuzi)
13h00 – 14h30	Break
14h30 – 15h30	SADC Diplomatic Corps
15h30 – 16h30	Tanzania Gender Network Programme (TGNP) and Tanzania Electoral Monitoring Committee (TEMCO)
16h30 – 17h15	Security Briefing: Police
16h00	SADC Election Observer Mission (<i>Mission Leader</i>) (TBC)
DAY 3:	WEDNESDAY 26th OCTOBER, 2005
08h30 – 09h30	Press Conference at the Holiday Inn Hotel
10h00	Regional Teams Depart for the Regions
12h00 – 13h00	SADC Electoral Commissions Forum (<i>Mission Leader & Dar es Salaam teams</i>)
13h00 – 14h15	Lunch
14h15 – 17h00	Observation of pre-election activities and consultations
DAY 4:	THURSDAY 27th OCTOBER, 2005
09h00-13h30	Observation of pre-election activities continues National Electoral Commission Briefing Seminar for International Observers at the Dar es Salaam Conference Centre African Union (<i>(Mission Leader & Dar es Salaam teams)</i>) TBC
DAY 5:	FRIDAY 28th OCTOBER, 2005 Observation of pre-election activities continues
DAY 6:	SATURDAY 29th OCTOBER, 2005 Observation of pre-election activities continues Mission Leader Visits Zanzibar
DAY 7:	SUNDAY 30th OCTOBER, 2005 Observation of voting
DAY 8:	MONDAY 31ST OCTOBER, 2005 Observation of the counting of ballots
DAY 9:	TUESDAY 1st NOVEMBER, 2005 Regional Teams return to Dar es Salaam

DAY 10:

09h00 – 10h30

WEDNESDAY 2nd NOVEMBER, 2005

Presentations of Field Reports & Election of Interim Mission Statement Drafting Committee

10h30 – 12h00

Meeting of the Drafting Committee

14h00 – 15h00

Adoption of Interim Statement

16h00 - 16h30

Press Conference

DAY 11:

THURSDAY 3RD NOVEMBER, 2005

MISSION DEPARTURES

09h00 – 16h00

Stakeholders Consultations (*Mission Leader, Deputy Mission Leader & Secretary General*)

DAY 12:

FRIDAY 4th NOVEMBER, 2005

Departures: (*Mission Leader, Deputy Mission Leader, Secretary General & Secretariat*)

Appendix 3:



PRESS STATEMENT 28TH OCTOBER, 2005

SADC PARLIAMENTARY FORUM ELECTION OBSERVATION MISSION TO THE TANZANIA 2005 ELECTIONS

Press Statement – For Immediate Release

28th October 2005

As indicated in its statement issued on Monday 24th October, 2005, the SADC Parliamentary Forum (the Forum) had deployed a 50-member Mission to observe preparations for and conduct of the 2005 Tanzania Presidential, Parliamentary and local government elections then scheduled for Sunday 30th October, 2005. It has now come to the attention of the Mission, that following the passing on on Wednesday 26th October, 2005 of Mr. Jumbe Rajab Jumbe who was the CHADEMA presidential running mate, the National Electoral Commission has postponed the Union elections to 18th December, 2005. The Mission notes that this postponement is in terms of the Tanzania Electoral law which provides that where a Presidential candidate or running mate dies, the NEC should designate an alternative nomination day not less than 21 days with the view to enabling the affected party an opportunity to nominate a new candidate.

In the light of these developments, the Forum has called off its election observation mission on Mainland Tanzania until further notice. The Mission will, however, retain its three teams that are already in Zanzibar. The Mission Leader, Hon. Fatima Hajaig of the National Assembly of South Africa and Hon Raymond Djunda of the Senate of the Democratic of Republic of Congo (DRC) together with the Mission Secretariat will re-locate to Zanzibar until after the voting, counting of ballots and declaration of results. At the end of its work, the Mission will issue a statement outlining among other issues its findings with respect to good electoral practices, challenges and recommendations for future elections. The statement will also make a determination as to whether or Not the process was free, fair, credible and legitimate.

The Mission looks forward to the continued cooperation of the people of Zanzibar in particular and the United Republic of Tanzania as a whole.

The Mission takes this opportunity to express its most sincere condolences to the family of Mr. Jumbe Rajab Jumbe and CHADEMA on the untimely loss of the Mr. Jumbe.

Issued by the Honourable Fatima Hajag, M.P. (Mission Leader)

SADC Parliamentary Forum¹ Tanzania Election Observation Mission, Holiday Inn, Dar es Salaam, 29th October, 2005

Appendix 4:



SADC PARLIAMENTARY FORUM TO TANZANIA 2005 ELECTIONS REVISED MISSION COMPOSITION AND DEPLOYMENT PLAN

	REGIONS	MEMBERS	COUNTRY	F/M	PARTY	TRAVEL & HOTEL	STAFF
	Mission Headquarters Dar es Salaam & Coast Team 1	Hon Mpeo Mahase (Mission Leader) 0745189517 Hon. Omba Pene Hon Leopoldo Joubert	Lesotho DRC South Africa	F M M	Ruling Opposition	Holiday Inn Dar	Mr. Temwa Nyirenda 0746140187 (Interpreter F/E) Yohane Chivwara 0746930607 Mr Selemani, Driver 07458066856
1	Dar es Salaam Team 2	Hon. Zeferino Juliana (TL) Hon. Chantal Basa	Angola DRC	M F	Ruling	Holiday Inn Dar	Gilberto Luceu (Interpreter P/E) 0787865820 (Interpreter P/E) Kalyango Kafula (Interpreter F/E)
2	Morogoro	Hon. Leopoldo A Ernesto(TL) Hon. Rosemary Chimpampe	Mozambique Zambia	M F	Opposition Ruling	Oasis Hotel 023 2614548	Ms Gladys Makwakwa 0745189513 Jerimias Dos Santos (Interpreter P/E) Driver Ramadhani Mbata 0748394811
3	Zanzibar	Hon. Feliciano Mata (Deputy Mission Leader) 0746779587 Hon. Esther Dlamini	Mozambique Swaziland	M F	Ruling	Zanzibar Beach Resort 024 – 2230208 Flight @0815	Ms Ndahafa Selma Kaukungua 0746779582 Jose Pinto (Interpreter P/E)
4	Pemba	Senator Bella Katamzi (TL) Hon. Reginald Diergaardt	Swaziland Namibia	F M	Ruling	Manta Reef Hotel, (Maulid) 0777424637 Flight @ 0845	Mr. Steven Kateule 0746773586
5	Tanga	Hon. Hansina Christian (TL) Hon. Clement Stambuli	Namibia Malawi	F M	Ruling Opposition	Mkonge Hotel 027 - 2643440	Mr. Miquel Nkhosi 0744327828 Driver Wasiri Athumani 0741477359

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6	Iringa	Hon. Maria M. Lampeao (TL) Hon. Domingos Da Silva	Mozambique Angola	F M	Ruling Opposition	Rest House (St Augustine) 0748342925	Mr. A. Magaia 0746779565 Michel Saraiva (Interpreter P/E) Mr Mussa Khafiani 0748308925
7	Kilimanjaro	Hon. Elma Dienda (TL) Hon. Filbert Nagafela	Namibia Botswana	F M	Opposition Opposition	Salinero Hotel 0748315555 Flight @1405	Mr. Olefile Mooketsi 074679564 Mr. Nicolus Linus Driver 0745516667
8	Arusha and Manyara	Hon. Kgomotso R. Magau (TL) Hon. Mathew W Mwale	South Africa Zambia	F M	Ruling Opposition	New Arusha Hotel 0748315555 Flight @1405	Mr Tieho Rankhone 0745189511 Driver Hamis Omari 0745388077
9	Dodoma	Hon. Thulani Dlamini (TL) Hon. Sandulizeni S. Nkhoma	Swaziland Malawi	M M	Opposition	New Dodoma Hotel (026) 2321641	Ms. Fenni Nambahu 0746779583 Driver Mohamed Nyelele 0744389912
10	Tabora	Hon. Walter T. Masisi (TL) Hon. Getrude Nyamkandawire	Botswana Malawi	M F	Ruling Opposition	Orion Hotel 0741587102 Flight@ 1350	Mr. Amos Maziya 0744513961 Driver Ally Kalinoni 0748309592
	MISSION LEADERSHIP	Hon. Mpeo Mahase (Mission Leader) 0745189517 Hon. Feliciano Mata (Deputy Mission Leader) 0746779587					
	MISSION SECRETARIAT						
		FAX No. + 255 - 22 - 2121946 TEL No. + 255 - 22 - 2121947 Room 132 Holiday Inn Dar es Salaam Tel. +258 1 487 630/1					Ms. Rumbidzai Kandawasvika- Nhundu 0746740184 Dr. Esau Chiviya 0746779585 Ms. Baoti Kauvee 0746956076 Ms. Justina Shauri 0744306861 Mr. James Warburg 0744628521 Mr. Boniface Dulani 0744223411

Appendix 5:



NEC PRESS RELEASE OF 27TH OCTOBER 2005

ANNOUNCEMENT ON POSTPONEMENT OF THE GENERAL ELECTIONS AND A NEW DATE FOR THE ELECTIONS

1. Following the death of the CHADEMA Presidential running mate Mr. Jumbe Rajab Jumbe, and according to the provisions 35(1) (b), 35D and 49(1) of the Electoral Laws Act Number 1 of 1985, the Commission is compelled to do the following:
 - a) To suspend the Presidential Elections; and
 - b) To announce a nominations date within 21 days after the day of the postponement in order to allow CHADEMA to nominate another person.
2. Since the incident suspends the Presidential elections, the Commission is required by provision 46(3) of the Electoral Laws Act Number 1 of 1985, to cancel the election date set earlier and announced a new date for elections. The law has given the Commission the mandate of announcing a new election date in a manner that it deems right. The clause provides the Commission with the entire necessary mandate to facilitate all preparations for voting on the new date.
3. As it is, all preparations had been done in consideration of the holding of Presidential, parliamentary and local governments voting together in order to reduce elections costs in many ways such as equipment, officials, finances and transportation of election equipment. It was also considered that the move would not inconvenience voters.
4. Clause 46(3) of the Electoral Laws Act Number 1 of 1985 and clause 48(1) (a) of the Elections Laws Act (Local Governments) Number 4 of 1979, empowers the Commission to cancel the elections date and announce a new date. After serious consideration, the Commission recognize the fact that it is convenient that parliamentary and local government elections be postponed and be held on the same day with the Presidential elections as initially intended.
5. Following the above explained reasons, the National Electoral Commission has decided to suspend the Presidential Elections and postpone parliamentary and local government elections with effect from today 27th October, 2005. That being the position, all processes regarding the Presidential elections have been suspended. Campaigns for Parliamentary and Local Governments elections will continue. A new timetable for the General elections 2005 is as follows:
 - Nomination for CHADEMA Presidential running mate will be held on 18th November, 2005;
 - Presidential elections campaigns will resume on 19th November until 17th December, 2005.
 - The voting Presidential, Parliamentary and Local Governments elections will be held on the 18th December, 2005.

6. The new timetable will allow the Commission to do the following:

- Print ballot papers for the Presidential Elections
- Transport ballot papers to electoral constituencies, and
- Conduct training to officials at the polling stations.

The new timetable is also intended to give CHADEMA time to nominate a new Presidential running mate.

Judge LEWIS MAKAME
CHAIRPERSON

Appendix 6:



PRESIDENTIAL ELECTION RESULTS OF THE 2005 TANZANIA ELECTIONS

Presidential Candidate	Party	Votes	Percentage Share
Jakaya M. Kikwete	CCM	9,123,952	80.28
Prof. Ibrahim Lipumba	CUF	1,327,125	11.68
Freeman Mbowe	CHADEMA	668,756*	5.88
Augustine Mrema	TLP	84,901	0.75
Edmund Mvungi	NCCR MAGEUZI	55,819	0.49
Augustine Mtikila	DP	31,083	0.27
Dr. Emmanuel Makaidi	NLD	21,574	0.19
Anna Senkoro	PPT -MAENDELEO	18,783	0.17
Prof. Leonard Shayo	MAKINI	17,070	0.15
Paul Kyara	SAU	16,414	0.14
	TOTAL	11,365,477	100.00

Source: http://en.wikipedia.org/wiki/Tanzanian_elections,_2005#Union_President

Appendix 7:



PARLIAMENTARY ELECTION RESULTS OF THE 2005 ELECTIONS BY PARTY

	Name of Party	Number of candidates fielded (MPs)	Number of seats won
1	Chama cha Demokrasia na Maendeleo (CHADEMA)	145	5
2	Chama cha Haki na Ustawi (CHAUSTA)	61	0
3	Chama Cha Mapinduzi (CCM)	232	206
4	Democratic Party (DP)	45	0
5	Demokrasia Makini (MAKINI)	16	0
6	National Convention for Construction and Reform (NCCR- Mageuzi)	71	0
7	National League for Democracy (NLD)	29	0
8	National Reconstruction Alliance (NRA)	27	0
9	Tanzania Democratic Alliance (TADEA)	34	0
10	Tanzania Labour Party (TLP)	116	1
11	The Civic United Front (CUF)	212	19
12	The Forum for Restoration of Democracy (FORD)	11	0
13	Union for Multiparty Democracy (UMD)	21	0
14	United Democratic Party (UDP)	38	1
15	United People's Democratic Party (UPDP)	42	0
16	PPT Maendeleo	16	0
17	Sauti ya Umma (SAU)	53	0
18	Jahazi Asilia	55	0
	TOTAL	1225	232

Source: Tanzania National Electoral Commission

Appendix 8:



MISSION INTERIM STATEMENT

SADC PF Election Observer Mission to the 2005 Tanzania Presidential, Parliamentary and Local Councillor Elections

Held on 14th December, 2005

INTERIM STATEMENT

Issued on 17th December 2005 at Dar-es-Salaam

SADC PARLIAMENTARY FORUM

The SADC Parliamentary Forum (Forum) is the regional inter-parliamentary organization of the Southern African Development Community (SADC) comprising of 13 national Parliaments of SADC, and representing more than 2,000 Members of Parliament. It was established in 1996 as an autonomous institution of SADC in accordance with Article 9 (2) of the SADC Treaty. Its objective is to promote democratic governance, gender equality, transparency and accountability for regional development and integration, peace and stability of the SADC region. The Forum conducts election observation in the SADC countries as one way of achieving the stated objective. Since 1999, the Forum has observed 15 elections in 11 SADC member states namely Mozambique and Namibia in 1999; Mauritius, Tanzania and Zimbabwe Parliamentary elections in 2000; Zambia (2001), Zimbabwe Presidential elections and Lesotho in 2002, in 2004 South Africa, Malawi, Botswana, Namibia and Mozambique and in 2005 Mauritius, Zanzibar and Tanzania. This was Tanzania's third multi-party General Election (first and second having been in October 1995 and in October 2000).

The Forum observes elections on the invitation of a member state and primarily in terms of the constitutional and legal framework of each of the inviting state, together with the Forum's *Norms and Standards for Elections in the SADC Region (2001)*, *SADC Principles and Guidelines Governing Democratic Elections (2004)* and the *African Union's (AU) Guidelines on Democratic Elections (2002)*. All three instruments reflect the importance of democratic practices and the holding of credible and legitimate elections that reflect the will of the people.

INVITATION FROM TANZANIA

At the invitation of Ministry of Foreign Affairs and International Cooperation of the United Republic of Tanzania, the SADC Parliamentary Forum (the Forum) deployed a 40 member Observer Mission to the 2005 Presidential, Parliamentary and local authority elections in the United Republic of Tanzania. The Mission convened in Dar-es-Salaam on 7th December, 2005. It comprised 23 Members of Parliament and 10 staff from the national Parliaments of Angola, Botswana, Democratic Republic of Congo (DRC), Lesotho, Malawi, Mozambique, Namibia, South Africa, Swaziland and Zambia. Also on the Mission were 7 staff and technical experts from the Forum Secretariat. Members of the Mission were duly accredited as international election observers by the Tanzania National Electoral Commission (NEC).

Hon. Minister Mpeo Mahase, a member of the SADC Parliamentary Forum Plenary Assembly and Member of Parliament (MP) from the National Assembly of Lesotho, led the Mission with Honourable Feliciano Mata of the National Assembly of Mozambique as the Deputy Mission Leader. The composition of the Mission was consistent with the provisions of the Forum Constitution that calls for equitable representation of men and women as well as opposition and ruling parties.

The December 2005 SADC Parliamentary Forum Observer Mission was a follow up to the October 2005 Observer Mission that was called off on mainland Tanzania due to the death on 26th October 2005 of Mr. Jumbe Rajabu Jumbe a Vice Presidential Candidate of CHADEMA Party. The decision to postpone the Mainland Elections was based on the provisions of Article 46(3) of the Tanzanian Electoral Laws Act Number 1 (1985) and Clause 48(1) (a) of the Electoral Laws (local Governments) Number 4 (1979) that empower NEC to postpone and set new dates for elections under such circumstances. The National Electoral Commission appointed 14th December 2005 to be the new Election Day. The decision was also based on the need to reduce related costs.

However, elections for the President and the House of Representatives of Zanzibar that are managed by Zanzibar Electoral Commission were not affected by the said incident and went on in October 2005 as originally planned. Consequently, the Forum relocated its headquarters to Zanzibar where 7 teams (5 in Unguja and 2 in Pemba) observed the electoral process including political campaigns, voting, vote counting, tabulation and declaration of results, and concluded that the elections were held in accordance with the existing electoral laws and largely in terms of regional electoral norms, standards and guidelines and were free and fair.

METHOD OF WORK

Most of the groundwork in terms of gathering information on the electoral process was done in October 2005 before the postponement referred to above. At that time the Mission consulted a wide range of electoral stakeholders in Tanzania including the NEC, ZEC, political parties, the police, civil society and faith based organisations, the diplomatic and academic communities as well as other international and local observers. More specifically the Mission consulted with the ruling Chama cha Mapinduzi (CCM) and the Civic United Front (CUF). The Mission also met the Tanzania Gender Network Programme (TGNP), Tanzania Election Monitoring Committee (TEMCO), the SADC Diplomatic Corps, SADC Executive, SADC Electoral Commissioners' Forum and African Union Election Observer Missions, Commonwealth, United Nations Development Programme as the coordinator of other International Observers and National Democratic Institute for International Affairs. The 12 teams that were deployed in Dar-es-Salaam, Unguja and Pemba (Zanzibar), Tanga, Iringa, Kilimanjaro, Arusha/Manyara, Dodoma, Tabora and Morogoro held consultative meetings with senior Regional NEC officials, senior Government officials, other international observers, domestic monitors on the electoral process in these regions.

On its return in December 2005, the Mission commenced its observation work with a briefing from the NEC for all observers on the 2005 General Elections on Thursday, 8th December 2005. The briefing by the NEC focused on the background information relating to the electoral processes and procedures, some highlights on the preparations for the 2005 General Election, local observers perspective on the election, and security matters. Furthermore, the Mission had its own one day briefing on 9th December 2005 at the Dar-es-Salaam Conference Centre. This briefing complimented the one that was held on 24th and 25th October and provided an opportunity to recap on the method of work, Mission Terms of Reference, presentation and discussion on the deployment plan, and the tools (various forms) to be used by the Teams to record and report their observations. On Saturday, 10th December 2005, 9 Teams departed to the regions of Unguja and Pemba (Zanzibar), Tanga, Iringa, Kilimanjaro, Arusha/Manyara, Dodoma, Tabora and Morogoro, and 2 Teams remained in Dar-es-Salaam. The selection of the regions took into account the need for broad geographical coverage, representative samples of the regions in order to gather conclusive findings, resource availability, logistical purposes and the size, political parties' representation and gender composition of the Mission.

While in the field the Teams held consultative meetings with NEC regional election officials, Police Commanders, international and domestic observers and the electorate on various aspects of the electoral process. These included voter registration and education, security for elections, political participation and representation of women and men, political campaigns, availability and security

of election materials, conflict resolution mechanisms in place, role of the media and NEC's preparedness. On the Election Day, the Mission teams observed the opening, voting and closing procedures, situations at the polling stations, counting of ballot papers and tallying of results. The consultations were guided by the Mission Terms of Reference and it is on the basis of findings from this observation process that the SADC Parliamentary Forum Observer Mission to the Tanzania 2005 General Election prepared this Interim Statement.

EXPRESSION OF GRATITUDE

The Mission extends its gratitude to the Government of the United Republic of Tanzania for inviting the SADC Parliamentary Forum to observe the 2005 General Election. It further commends the NEC, political parties, relevant Union and Zanzibar government officials, the police, civil society and faith based organisations, the diplomatic community, other observers, international and local alike, and people of Tanzania for their cooperation and support during the Mission's presence in Tanzania.

MISSION TERMS OF REFERENCE

In summary, the Mission's Terms of Reference (TORs) as approved by the policy organs of the Forum and applied in previous elections were, inter alia, to:

1. Analyse the constitutional and legal framework within which elections are conducted.
2. Assess the historical, socio-economic and political environment within which elections are taking place.
3. Assess the extent to which the elections are conducted in line with the constitutional and legal framework provisions of each of the countries and in relation to the *Norms and Standards for Elections in the SADC Region, SADC Principles and Guidelines Governing Democratic Elections (2004)* and *OAU/AU Declaration on the Principles Governing Democratic Elections in Africa*.
4. Assess the gender trends and voter turnout in relation to previous elections.
5. Assess the organisational arrangements of the electoral process with respect to *inter alia*, the:
 - Independence, impartiality and accountability of electoral institutions, including stakeholders' confidence in the election authorities,
 - Secrecy of the ballot and the transparency and legitimacy of the electoral process
 - Voter registration and the state of the voters' roll with special attention to the inclusiveness and availability of voters' roll to stakeholders,
 - The campaign process and the conduct of political parties with reference to codes of conduct,
 - Publication of the election calendar, preparation and distribution of voting materials,
 - Civic and voter education including the quality of the education, the role of the electoral commission, civil society organisations and political parties,
 - Role of security forces,
 - Gender mainstreaming in political activities and manifestos, electoral systems, practices and processes, including the management and administration of elections,
 - Role of the media with respect to fair and balanced media reporting and coverage on election activities,
 - Polling stations with reference to adequacy, location and voters' access to information on polling stations,

- Polling arrangements with reference to opening of polling stations, availability of voting materials, secrecy of the ballot, and related administrative arrangements,
- Counting, reconciliation, verification, tabulation and announcement of results as well as the legitimacy of results by stakeholders, and
- Conflict resolution mechanisms in place with reference to the working relationship between the NEC, Government and political parties.

FORUM INVOLVEMENT IN TANZANIA'S ELECTORAL PROCESS

Considering that elections are a process as opposed to a one day event, the Forum has been engaged in the Tanzania election process since the October 2000 General Election. For instance, immediately after the announcement of the results of the 2000 elections, the Forum deployed a three-member team to observe post elections developments in Zanzibar. During its visit, the post election mission held consultations with the Prime Minister of Tanzania, the Speakers of both the National Assembly of Tanzania and the House of Representatives of Zanzibar, representatives of political parties and leaders of faith-based civic organizations, among others.

In October 2001, the Forum deployed another post election mission to the United Republic of Tanzania to consult a wide range of electoral stakeholders on the post election-related developments relating to the outcome of the 2000 General Election in general and the unfortunate events of 26th and 27th January 2001. The post election mission coincided with the signing of a political accord – the **Muafaka Agreement** between the two major parties in Zanzibar, CCM and CUF, to resolve the political problems arising from the 2000 General Election. Since then, a number of significant steps have been undertaken to implement the above, including reform of the ZEC, reform of the Zanzibar Constitution and Electoral Laws as well as the establishment of a Permanent Register of Voters. In turn NEC has also made significant improvements in the electoral process.

In addition, at its bi-annual Plenary Assembly meetings, the Forum has also benefited from regular briefings from Tanzania's Parliamentary Representatives on the Forum. The above demonstrates that the involvement of the Forum in Tanzania's elections is not just this time around but dates back to 2000.

FINDINGS

Based on the above process, the Mission found the following on the 2005 Tanzania General Election:

Legal Framework

The 2005 Tanzania General Elections were based on the country's legal framework that includes:

1. the Constitution of the United Republic of Tanzania, 1977,
2. the Elections Act No. 1 of 1985,
3. the Local Government Authorities (Elections) Act, 1979,
4. the Local Government (Urban Authorities) Act, 1982, and
5. the Local Government (District Authorities) Act, 1982.

The Constitution of the United Republic of Tanzania provides for and protects the franchise rights of citizens. The election laws in turn provide for candidate nomination and campaign guidelines, voting procedures and vote counting as well as the computation of special seats for women.

In addition to the above legal framework, the National Electoral Commission has made the following Regulations and Guidelines to operationalize and facilitate the day-to-day conduct of electoral duties:

1. the Presidential and Parliamentary Elections (Registration of Voters) Regulations, 2004,
2. the Councillors' Elections (Regulation of Voters) Regulations, 2004,
3. the Presidential and Parliamentary (Elections) Regulations, 2005, and
4. the Councillors' (Elections) Regulations, 2005.

The above Election Guidelines are designed to explain to electoral staff such as registration officers, returning officers, polling officers as well as political parties, their candidates and agents their duties and responsibilities during the electoral process.

Based on the above, the Forum Observer Mission was therefore satisfied that the 2005 Tanzania General Election was conducted in accordance with the country's electoral legal framework that was conducive to the conduct of elections in a transparent, calm, legitimate, free and fair atmosphere.

THE NATIONAL ELECTORAL COMMISSION (NEC)

The Mission noted that the reintroduction of multiparty politics in 1992 also resulted in a Presidential appointment of a National Electoral Commission in the same year under Section 74 of the Constitution of the United Republic of Tanzania, 1977 as amended in 1995. The autonomy of NEC is provided for under Section 74(11) that states that "in the exercise of its functions under the Constitution, the Electoral Commission shall not be subject to the orders or direction of any person or Department of Government.....or the views of any political party." The NEC is therefore the sole body responsible for managing elections in Tanzania. NEC performs the following functions that are stipulated under the Constitution and other election legislations:

1. supervise and coordinate the registration of voters in mainland Tanzania,
2. supervise and coordinate the conduct of elections in mainland Tanzania,
3. review the boundaries and demarcate the United Republic into various areas for the purpose of Parliamentary elections,
4. declare elected Members of Parliament for Women Special Seats,
5. declare elected councillors for Women Special Seats, and
6. provide voters education and approve voter education materials prepared and used by civil society institutions involved in the provision of voters education.

The Mission found that NEC was able to establish a Permanent Voters Register and managed to register 15.9 million voters (96.2%) out of 16.7 million eligible voters. The Commission was also able to issue Voters Cards with photographs to all registered voters, and used the period that followed the elections postponement from 30th October to 14 December to further update the Voters' Roll. Voters' Roll and other election materials were delivered to all polling stations on time for the 14th December 2005 General Elections. Additionally, NEC conducted some voter education in a resource constrained situation, to undertake some training for returning and polling officers, hold regular briefing meetings for both Government and political parties, and to publish election regulations and guidelines and training manuals, the SADC Parliamentary Forum Mission was satisfied that NEC was fully prepared for the 2005 elections.

CONFLICT RESOLUTION MECHANISMS

The Mission commends the NEC for introducing eight administrative committees that advise the Commission on how best to manage and supervise the electoral process as the most effective conflict resolution mechanisms. The Committees are composed of representatives from political

parties and some include representatives from the media both public and private and also from civil society. Though not statutory, the Committees are an initiative by NEC to involve political parties in addressing election-related conflicts before they erupt into open public violence. Through these Committees the Commission briefed political parties on electoral developments on a regular basis and reiterated its commitment to conduct free, fair and transparent elections. The Code of Conduct Committee with signatories from each political party and a Government representative is an important conflict resolution mechanism. Seminars and workshops on the electoral process conducted by NEC for political parties and Government leaders were important for conflict resolution. One of the contributory factors to the limited tension was the agreement by NEC, political parties and the police to coordinate the campaign calendar to ensure that there were no clashes over venues.

POLITICAL ENVIRONMENT

The Mission noted the political environment was characterised by calm, absence of intimidation and violence and peaceful coexistence among political parties. The peaceful political climate could be attributed to the regular high level security dialogue meetings involving Government Security Organs, leaders of the political parties and the Commission and the participation of political parties that have signed the Ethics Code in various NEC Committees to demonstrate transparency and to instil confidence in the impartiality of NEC in managing the electoral process.

During its presence in the 10 regions where it deployed its 11 Teams (Dar-es-Salaam, Unguja and Pemba Islands, Tanga, Kilimanjaro, Arusha/Manyara, Iringa, Dodoma, Tabora, and Morogoro) the Mission did not witness any serious instances of election-related violence. Even in Pemba and Unguja (Zanzibar) the political environment was observed to be calm, free of intimidation and violence, and cordial relationship existing among political parties. The Mission noted that the accession by 16 political parties, government and NEC to the voluntary Code of Ethics has gone a long way in creating a peaceful and calm political environment that made it possible for voters to go and cast their votes without fear.

The Mission commends the political parties for their public pronouncements on the need for a peaceful election.

Indeed, the Mission believed that the prevailing calm and peaceful political environment at the time of elections fostered a climate of security and thus encouraged voters, especially women, to turn out in large numbers to cast their vote without fear.

CAMPAIGN PROCESS

The Mission observed that the campaign process was protracted following the postponement in October to 14 December 2005. The protracted process was financially draining especially on the part of smaller political parties. The mood of the people and the contesting political parties themselves appeared to be low and the tempo of the campaign slowed. The candidates were suffering from campaign fatigue. The Mission observed in Dar-es-Salaam that only campaign materials of the ruling party (CCM) were posted visibly on most buildings and other places but there were no complaints from other political parties of having been restrained from doing so by anybody.

On the whole the Mission commends the people of Tanzania and their Political Parties for mounting political campaigns with minimal violence. The few incidents of some clashes between CCM and CUF supporters reported in some areas in Dar-es-Salaam usually happened during marches and either before or after rallies and were not sufficient enough to distort the calm and peace that characterized the campaign process.

ROLE OF SECURITY FORCES

The calm and peaceful political environment that facilitated a violence-free political campaign process can to a large extent be attributed to the role of the Tanzanian security forces. The Mission observed increased mobile police patrols in the wards and visible police presence at polling stations to enhance the security of voters. The regular high level security dialogue meetings involving Government Security Organs, leaders of the political parties and the Commission also contributed significantly to a violence-free campaign process. The army facilitated the distribution of voting materials while the police was responsible for the safety and security of the materials. The presence of security forces at polling stations was not meant to intimidate the voters but to reassure them of their safety to vote freely for candidates of their choice.

THE VOTERS' ROLL

The Mission noted a significant improvement from the 2000 General Election in that in the 2005 General Election NEC has introduced a Permanent Register of Voters (PRV), together with the issuance of Voters' Cards, complete with passport-size photographs aimed at enhancing people's confidence in the electoral process. Using Optical Mark Recognition Technology (OMRT) and Polaroid cameras, NEC was able to register 15.9 million voters (96.2%) out of 16.7 million eligible voters. NEC involved political party agents in the registration process by holding briefing meetings with all stakeholders at both the national and regional levels that contributed to enhancing transparency and stakeholders' confidence in the electoral process.

The Mission observed that the voters' roll was displayed outside polling centres and voters, mostly women and youths, were coming to verify their names. In all the polling stations visited the Voters Roll was displayed at least 7 days before polling day as required by the electoral law.

However, on the voting day the Mission observed that there were some cases of names of registered voters reported missing from the Voters' Roll and these were not able to vote. Where such omissions were noted before polling day, they were rectified.

MEDIA COVERAGE

The Mission observed that the NEC had developed a Code of Ethics for the Media for election reporting. On its part the state owned Media had prepared a coordinated program to provide all political parties with Presidential Candidates an opportunity to publicise their policies and programs. Compared to the 2000 General Election, media reporting for the 2005 General Election appears fairly positive and more balanced. For the first time, the Tanzania Election Media Monitoring Project 2005 has praised the state news media for taking the lead in offering voter education and also for neutrality in election reporting coverage. In general the media, both print and electronic alike endeavoured to ensure a balanced and fair coverage of election-related events.

GENDER REPRESENTATION

Tanzania stands out as one of the countries in the SADC region that is expected to surpass the SADC Declaration on Gender and Development target of at least 30% representation of women in Parliament and other political and decision making positions. This, the Mission noted, was underpinned on the 30% legislated quota. However, whereas women were represented in large numbers as voters almost on a 50/50 basis with men, only 1 out of the 10 political parties contesting Presidential Election had a woman Presidential candidate and 4 parties had women presidential running mates.

The Mission noted with concern, political parties' over-reliance on the legislated quota to ensure women's participation as Parliamentarians. It is the Mission's view that in addition to the legislated quota, political parties must ensure that women and men have equal opportunities to contest in the constituency elections. The state and political parties should create an environment that encourages women to participate in political processes.

With respect to election officials, the Mission was pleased to note that the majority of election officials at the polling stations were women and the greater majority of voters were women. However, the Mission regrets that in some regions, fewer women voted because some were attending to household chores, such as fetching water from distant places.

The Mission further regrets that during the time of its observation, NEC had not yet aggregated statistics of Parliamentary and Council candidates into male and female candidates and thus could not have a clear position on the representation of women and men.

VOTER EDUCATION

The Mission noted that the NEC is required by law to provide voter education and to coordinate those organizations/persons offering voter education. The Commission is aware of the importance of voter education in enhancing the electoral process and promoting democracy. However, because of limited resources the Commission could not mount a massive voter education campaign. Instead the Commission conducted voter education through news media such as radio, Television and newspapers, distribution of election leaflets and posters, and through printing khangas carrying both registration and polling messages. The Commission also conducted Training of Trainers Workshops for Regional Election Coordinators, Returning Officers and Assistant Returning Officers. Returning Officers in turn conducted seminars for presiding and polling officers.

Political parties also provided some voter education to their followers focusing on encouraging them to vote for their party. In addition some donors have financed civic education programs conducted by NGOs. Some faith based organizations such as the Roman Catholic Church and the Islamic Community also conducted voter education.

Altogether NEC, political parties, NGOs, some faith based organizations and the public owned news media undertook significant work in relation to voter education. However, there is still room for improvement. The Mission recorded instances of spoilt ballot papers in all the three elections, which could be an indication of inadequate voter education.

POLLING STATIONS

The Mission noted that there were a total of 47,150 polling stations for Mainland Tanzania for 15,935,459 million registered voters and 1,560 for Zanzibar for 507,977 registered voters. In the event of a 100% voter turnout, each polling station on Mainland Tanzania would serve an average of 338 voters while in Zanzibar each polling station would serve an average of 315 voters. The polling centres visited on the polling day had on average of 300 to 400 voters per station. The Mission found the number of polling stations to be adequate to ensure that as many eligible voters as possible cast their votes between 0700 hrs (opening of polling) and 1600 hrs (closing of polling). The Mission also noted that polling centres were located in neutral places such as schools and open places as playgrounds and were in accessible locations. However, in some places such as Longido District where settlement patterns are scattered distances from one polling station to another ranged between 20 to 30 kilometres.

Furthermore, the polling stations catered for the voters in alphabetical order that reduced congestion and speeded up the voting process. However, in some polling stations the alphabetical letters of voters were not publicly visible causing confusion on the part of voters looking for their polling stations.

Police presence at polling stations guaranteed the safety of the voters. Political party agents present at polling stations expressed their satisfaction with the way the voting process was managed. The atmosphere at polling centres was on the whole calm and peaceful and the voters were able to cast their votes without fear or intimidation.

The secrecy of the ballot was assured by making the voters cast their votes in a polling booth. The transparency of the voting process was enhanced by the use of translucent ballot boxes clearly marked with black tops for Presidential ballot, blue top for Parliamentary ballot, and the white top for Council ballot.

VOTING MATERIALS

The polling stations visited by the Mission's Teams had received the voting materials in advance except for the ballot papers that were distributed on the 13th of December 2005. The materials were guarded by the police on a 24 hours basis for safety reasons. There were no reports of voting materials disappearing or polling stations failing to vote because of the non arrival of voting materials. The Mission commends the National Electoral Commission for effectively distributing voting materials to polling stations before the polling day on 14th December 2005.

THE POLL AND THE COUNT

The Mission was satisfied that the polling arrangements were of such a nature as to ensure and assure the secrecy of the ballot. Generally speaking, polling officials mounting the stations visited by the Mission Teams conducted themselves in a professional and efficient manner. Opening, closing and counting procedures were professionally followed as provided by the electoral laws to the point that there were no complaints from party agents who were present at polling stations.

VOTER TURNOUT

Based on its preliminary observations at the polling centres visited and subject to the release of official figures, the Mission holds the view that voter turnout was quite high and the voting process was generally quite calm and peaceful. Voters were orderly as they waited in lines for their turn to cast their votes. The high turnout demonstrates that the October 30 postponement to December 14 did not seriously affect voters' enthusiasm to vote.

GOOD PRACTICES

Based on the administrative and legal amendments to the electoral laws introduced by the NEC and on the Mission's own observations the following emerged as the good practices from the Tanzanian electoral process:

- Presence and participation of political party agents in voter registration, polling stations, actual voting and counting and tallying of votes;
- Counting of ballots at the polling station level, signing of results sheets by polling staff and party agents, announcing results at the polling station, display of signed results sheets at every polling centre and giving a copy of the signed sheet to polling agents;
- Visible police presence at all polling stations to enhance security and safety of voters;
- Multiple voting stations at each of the polling centres arranged according to voters' surnames

- to speed up the voting process;
- Use of translucent ballot boxes to enhance the transparency of the electoral process introduced in the 2000 General Elections and allowing party agents to witness that the transparent boxes were empty and sealed before voting started;
- Heavy penalties (both pecuniary and possible jail terms) for elections officials who mismanage the electoral process to ensure high levels of accountability;
- Creation of eight administrative committees by NEC with membership from different political parties that advise NEC on various aspects of the electoral process to enhance transparency and confidence in the process;
- Setting up a Code of Conduct Committee with one representative from each party as a signatory and a Government representative to regulate political behaviour during elections;
- Convening of regular consultative and briefing meetings of political parties to discuss various stages of the electoral process to minimize election-related conflict;
- NEC Organizing seminars and workshops for political and Government leaders on the electoral process as a conflict resolution mechanism;
- Agreement on the part of political parties on modalities for candidates to access public media that has resulted in balanced coverage on election reporting;
- Introduction of a Permanent Register of Voters (PRV), together with the issuance of Voters' Cards, complete with passport-size photographs aimed at enhancing people's confidence in the transparency of the electoral process;
- Development of a coordinated campaign calendar to minimize clashes among political parties;
- Allowing incapacitated voters (elderly, infirm and visually impaired) to bring a person of their choice to assist them in the voting process rather than being assisted by presiding officers; and
- Allowing internal and external election observers respectively to observe the voting process and pass a judgment on the management of the process.

RECOMMENDATIONS

Mindful of the tremendous improvements made in enhancing the performance, transparency and accountability of the electoral process, the SADC Parliamentary Forum Observer Mission to the 2005 Tanzania General Election observed the following areas as requiring further improvement:

- Making the current voluntary political party Code of Conduct statutory so that it is binding on the stakeholders;
- Raising more resources for voter education and engaging NGOs in conducting voter education;
- Increased political will and commitment on the part of political parties to ensure the equitable participation of women and men in the electoral process and representation of women and men in positions of power and decision making at all levels;
- The introduction of Braille ballot papers to further enhance the secrecy of the ballot for the visually impaired; and
- Mindful of the fact that some voters might not have gone to verify their names on the Voters Register, the Mission is of the view that further improvements on the Voters Register are necessary so that those with voter registration cards are not disenfranchised for not finding their names on the register.
- Setting up clearly identifiable Information Centers at polling centers to provide information on the voting process to voters and observers.

CONCLUSION

Having regard to the above, the Mission is of the view that the 2005 Tanzania General Elections were a significant improvement from those of 2000. **The Mission therefore concludes that the elections were held largely in terms of the electoral laws of Tanzania, regional electoral norms, standards and guidelines. The elections provided the people of United Republic of Tanzania with an opportunity to express their democratic right and political will and the Mission judges them to be on the whole free and fair.**

Done and signed at Dar-es-Salaam this 17th day of December 2005.

